

/* The STATE OF COLORADO ADMINISTRATIVE CODE addresses reporting cases of AIDS and conducting investigations in order to prevent the spread of the disease. */

Colorado Board of Health

11/91

Rules and Regulations
pertaining to the Reporting, Prevention, and Control of
AIDS HIV Related Illness, and HIV Infection

Colorado has a comprehensive public health AIDS/HIV control law: Colorado Revised Statutes Title 25, Article 4, Sections 1401 et seq. These regulations are intended to provide detail and clarification for selected parts of the above cited statute. The statute covers subject matters not included in these regulations.

Regulation 1.

Reporting by physicians. health care providers, hospitals, and others

Diagnosed cases of AIDS, HIV related illness, and HIV infection, regardless of whether confirmed by laboratory tests, shall be reported to the state or local health department or health agency within 7 days of diagnosis by physicians, health care providers, hospitals, or any other person providing treatment to a person with HIV infection

All cases are to be reported with the patient's name, age, sex, address (including city and county) , name and address of responsible physician; and such other information as is needed to locate the patient for follow-up. For cases reported from a public anonymous testing site as provided by C.R.S. 25-4-1405.5, The patient's name and address and the name and address of the responsible physician are not required

Reports on hospitalized patients may be made part of a report by the hospital as a whole

Research activities of persons performing clinical research on persons with AIDS, HIV-related illness, or HIV infection whose

research activity:

1. Involves the study of HIV treatment or vaccine effectiveness or is basic biomedical research into the cellular mechanisms causing HIV infection or HIV-related disease;
2. Meets the research exemption criteria of C.R.S. 25-4-1402.5(3); And
- 3 Has been approved by the Board of Health pursuant to C.R.S. 25-4-1402.5(2)

Regulation 2. Reporting by Laboratories

Cases of AIDS, HIV related illness, and HIV infection shall also be reported with the information required in Regulation 1 by laboratories whether or not associated with a hospital, and by out of state laboratories that maintain an office or collection facility in Colorado or arrange for collection of specimens in Colorado. Laboratories shall report:

1. Any of the following positive serologic tests: (a) repeatedly reactive ELISA test; (b) positive supplementary test such as Western blot; (c) positive test for antigenemia [all of the above according to test manufacturers' directions]; (d) positive polymerase chain reaction test in persons less than 13 years of age; or (e) positive latex agglutination test for HIV.
2. Positive viral culture for HIV.
3. CD4 counts < 500 mm³ or CD4% <29% regardless of HIV test results

When associated with other clinical or laboratory evidence of HIV infection, the Board of Health defines a CD4 test result in the range listed above as the primary immunologic measure indicating severe HIV infection and when less than 200 mm³, as defining AIDS. The Department shall destroy personal identifying information on all persons with CD4 results in the reportable range if investigation subsequent to the report finds no evidence of infection. Laboratories may fulfill the requirement to report CD4 counts < 500 mm³ or CD4% <29% by allowing authorized personnel of the Department of Health to have access to such records.

Regulation 3. Information sharing

Information concerning cases of AIDS, HIV related illness, or HIV infection shall be shared between the appropriate local health department or health agency and the state health department, as provided by C.R.S. 25-4-1404, And in a timely manner, usually within the time frame for reporting in Regulation 1.

These requirements shall not apply if the state and local health agencies mutually agree not to share information on reported cases.

Regulation 4. Confidentiality

All public health reports and records held by the state or local health department in compliance with these regulations shall be confidential information subject to C.R.S. 25-4-1404. The public health reports and records referred to in C.R.S. 25-4-1404 shall include, but not be limited to, the forms and records designated by the Colorado Department of Health for institutions and agencies which screen individuals for HIV infection without providing ongoing health care, such as a public HIV counseling and testing site.

Reasonable efforts shall be made by the department to consult with the attending physician or medical facility caring for the patient prior to any further follow-up by state or local health departments or health agencies.

Regulation 5.

Investigations to confirm the diagnosis and source of HIV infection and to prevent HIV transmission

Investigations may be conducted pursuant to C.R.S. 25-4-1405 et seq. To confirm the diagnosis and sources of HIV infection and to prevent transmission of HIV and shall be considered official duties of the health department or health agency. Such investigations may include, but are not limited to:

(a) review of pertinent, relevant medical records by authorized personnel, if necessary to confirm the diagnosis, to investigate possible sources of infection, to determine objects and materials potentially contaminated with HIV and persons potentially exposed to HIV. Such review of records may occur without patient consent and shall be conducted at reasonable times and with such notice as is reasonable under the circumstances;

(b) performing follow-up interview(s) with the case or persons knowledgeable about the case to collect pertinent and relevant information about the sources of HIV infection, materials and objects potentially contaminated with HIV, and persons who may have been exposed to HIV.