

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 010405)

RESOLUTION

Urging the City of Philadelphia and the State of Pennsylvania to support and utilize a non name-based surveillance systems of HIV reporting and, if needed, for the City of Philadelphia to not comply with a proposed name based HIV reporting system.

WHEREAS, Non name-based surveillance systems, such as unique identifier reporting, support our public health goals by providing data which can help us allocate limited resources while supporting efforts to target and evaluate prevention programs, project the direction of the epidemic, while assuring anonymity and not deterring people from seeking HIV testing and care; and

WHEREAS, The state administration has proposed mandatory state wide name based reporting for HIV positive individuals and in the absence of guaranteed access to health care and strong privacy protections, the negative aspects of name reporting outweigh the potential benefits of this approach; and

WHEREAS, HIV name reporting has been shown to be a deterrent to individuals seeking HIV testing and treatment, and the implementation of HIV name reporting is not currently accompanied by guaranteed access to care and treatment; and

WHEREAS, Philadelphia's refusal to comply with the names based HIV reporting will apply pressure upon the State to rethink their HIV surveillance proposal and develop a plan consistent with the pronounced needs of its citizens; and

WHEREAS, Throughout Pennsylvania, citizens who submit to HIV testing should be entitled to anonymity. The consequences of a consumer's HIV status becoming public should be a concern to all citizens of Philadelphia. Rural, Suburban and Urban Pennsylvanians could all face physical and emotional harm if their status became publicly known; and

WHEREAS, It is paramount that concerned citizens have access to HIV testing without any unnecessary impediments or delays. Early detection of HIV leads to more

City of Philadelphia

RESOLUTION NO. 010405 continued

effective prevention strategies and treatment possibilities. Studies have shown that mandatory HIV names reporting would result in fewer individuals being tested, including a 1995 Los Angeles study which found that 86.1% of respondents would not have sought an HIV test if they knew their names were going to be reported to a governmental agency. Names based surveillance will force many consumers to delay HIV testing and/or disregard HIV testing further endangering their health; and

WHEREAS, Other than Pennsylvania's Act 148 (35 P.S. §7601 *et. seq.* concerning the confidentiality of HIV-related information), no strong Federal or state privacy law governing health information currently exists; and

WHEREAS, Recent court decisions suggest limited or no discrimination protections for asymptomatic HIV positive individuals under the American with Disabilities Act (ADA); now therefore

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Supports the development of a non name-based HIV surveillance system to achieve the public health goals of HIV surveillance and urges the City of Philadelphia to not comply with a proposed name based HIV reporting system.

FURTHER RESOLVED, That the City of Philadelphia calls on the Federal Government and Commonwealth to provide the resources necessary to support Philadelphia's non name-based surveillance systems. That the City of Philadelphia calls on the Bush and Ridge Administrations, the United States Congress and the Pennsylvania State Legislature, to enact and enforce strong confidentiality laws to protect the privacy of all health-related information.

City of Philadelphia

RESOLUTION NO. 010405 continued

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twenty-fourth of May, 2001.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Ortiz, Reynolds Brown, Goode and Cohen

Sponsored by: Councilmembers DiCicco, Tasco, Kenney, Miller, Clarke, Krajewski, Blackwell, Nutter, Longstreth, O'Neill and Rizzo

City of Philadelphia

RESOLUTION NO. 010405 continued