



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.
Commissioner

Wendy E. Saunders
Chief of Staff

February, 2008

Dear Colleague,

In 2008, the New York State Department of Health continues to recognize the importance of strong confidentiality protections for HIV-related patient information. This letter is written to clarify the AIDS Institute's expectations for staff confidentiality training and to share information with you about an important new resource.

New York State Department of Health Regulations Part 63.9 state that it is the responsibility of each hospital, health care facility, community based organization or other organization subject to Public Health Law 27-F to: 1) develop HIV confidentiality policies and procedures, 2) review these policies and procedures on an annual basis, and 3) document that all employees receive initial and annual in-service training on HIV confidentiality. Over the last number of years, it has become common practice in the field for agencies to meet the requirements of initial training and annual training by sending staff to HIV/AIDS Confidentiality training offered by one of the AIDS Institute's Regional Training Centers or Clinical Education Sites. It is also fairly common practice for agencies to have an AIDS Institute funded training center come on-site each year to offer the same standard HIV/AIDS Confidentiality training to all staff.

Through this letter and subsequent efforts described below, the AIDS Institute is seeking to clarify that staff attendance at the same confidentiality training year after year is not the AIDS Institute's expectation. Rather, after new employees attend the initial standard confidentiality training available through an AIDS Institute funded training center, the purpose of the annual update requirement is to ensure that staff is apprised of any new developments or changes in the organization's confidentiality policies and procedures that resulted from the annual review of policies and procedures.

The annual HIV confidentiality in-service (which is distinct from but may be included in HIPAA training) should: 1) include a brief review of the organization's policies and procedures, 2) highlight any new developments or changes in the policy and, 3) offer staff an opportunity to ask questions. As such, unless there are significant changes in policy and procedure, the annual in-service can be completed in less than thirty minutes and could easily be incorporated into a staff meeting, HIPAA training, or other staff development opportunity. The annual update should be conducted by a person who is responsible for the health care facility's or agency's confidentiality policies and procedures, rather than by an outside training expert.

To assist hospitals, health care facilities and community agencies in developing the capacity to offer their own annual staff in-service on confidentiality, I am pleased to announce that the **Legal Action Center** will be offering a series of capacity building sessions across the state. These

sessions are intended for program managers that are responsible for the organization's confidentiality policies and procedures and will be offered as follows:

Training Title: **How to Provide the Mandatory Annual HIV Confidentiality Update**

Locations/ Dates:	Manhattan	March 25, 2008
	Brooklyn	April 14, 2008
	Bronx	April 1, 2008
	Hauppauge	April 9, 2008
	Westchester	May 12, 2008
	Albany	March 18, 2008
	Syracuse	May 7, 2008
	Rochester	May 19, 2008
	Buffalo	April 29, 2008

Please see the attached training announcement for more details. To register for one of these trainings, please visit the Legal Action Center's website at www.lac.org (click on Trainings and Workshops) or call 800-223-4044 or 212-243-1313.

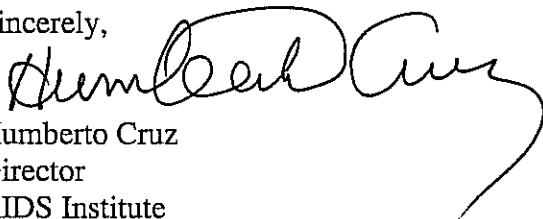
In addition to the above training, the Legal Action Center is also available to provide agency-specific technical assistance to help agencies develop or update their confidentiality policies and procedures.

AIDS Institute funded Regional Training Centers will continue to offer standard HIV/AIDS Confidentiality training to meet the needs of new employees. However, after July 1, 2008, these training centers will no longer use their AIDS Institute funding to go on-site to an agency to provide an annual confidentiality update.

The Legal Action Center and Regional Training Centers will continue offering a variety of trainings to meet the needs of providers working in the field of HIV/AIDS. If, in the future, there are any significant changes to Article 27-F or Part 63, these training centers will be poised to offer trainings on any new developments.

The AIDS Institute believes that this clarification of staff confidentiality training will result in greater capacity of agencies to ensure that their confidentiality policies and procedures are adhered to and will reduce the burden of staff attending lengthy training sessions each year. If you have any questions about staff training in confidentiality, please call Richard Cotroneo, Director of HIV Education and Training Programs or consult with your contract manager.

Sincerely,



Humberto Cruz
Director
AIDS Institute

Enclosure