

October 12, 2009

The Honorable Henry Waxman
Chairman
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Joe Barton
Ranking Member
House Energy and Commerce Committee
2322A Rayburn House Office Building
Washington, DC 20515

Dear Chairman Waxman and Representative Barton:

The National Association of County & City Health Officials (NACCHO) urges that you not renew federal notification requirements for infectious diseases. On behalf of the nation's 2800 local health departments, NACCHO opposes Part G of the Ryan White HIV/AIDS Treatment Extension Act of 2009 passed recently by the Senate Health, Education, Labor and Pensions (HELP) Committee. NACCHO will be happy to participate in discussions about needed modifications to federal infectious disease control policy, but such policy has ramifications that far exceed the basic purposes of the Ryan White legislation and merit careful consideration by all stakeholders.

Notification requirements and mechanisms for infectious disease control have long been determined at the state and local levels. Current infectious disease surveillance and notification practices adequately protect the health of persons who may be exposed to infectious disease, including first responders. NACCHO members have great admiration and respect for emergency response personnel and recognize the risks they undertake. Public health workers themselves regularly take risks of exposure for which the exercise of universal precautions is required. However, it is our firm conviction that the needs and concerns of local first responders that are particular to any given jurisdiction will be most effectively addressed through changes to local and state laws and systems.

Section G would overlay new federal requirements on current state and local infectious disease control systems. These systems already provide for reporting of notifiable diseases to public health authorities, who then follow up to determine all possible exposures and advise persons exposed concerning any measures they should take. Local and state public health officials have the authority and responsibility to determine the appropriate course of action with regard to infectious disease exposures. Immediately life-threatening infectious diseases receive aggressive responses when such diagnoses are reported to public health authorities as required by state laws. The resulting disease investigations include notification of first responders and go well beyond that to ensure that all possible exposures are identified and appropriate prophylactic measures taken.

The provisions of Part G as passed by the Senate HELP Committee would endanger patient confidentiality by requiring notification by medical facilities to third parties of medical information that, tied with information on date of transport to a medical facility, may enable easy identification of the name of the patient. Moreover, they could conflict with HIPAA protections, because such notification may not fall under the public health exemption for sharing data.



The number and nature of infectious diseases that could become subject to federal notification requirements is without any practical limit, because the complications of most infectious diseases can cause them to become life-threatening. The notification processes of Part G were designed almost two decades ago, prior to the new emphasis on infectious disease identification and control engendered by twenty-first century concerns about biological terrorism and pandemic influenza. NACCHO is unaware of any evidence of deleterious effects since 2006, when previous requirements were not reauthorized. The notification requirements could become onerous for public health officials required to address many more situations where a medical facility is unable to determine if a notifiable exposure has taken place. The requirement to address such situations within 48 hours is an unfunded and potentially unrealistic mandate on local governments.

On behalf of our members who protect the public's health at, I urge you not to adopt Part G of the Ryan White HIV/AIDS Treatment Extension Act of 2009 as passed by the Senate HELP Committee. We believe these provisions will not provide meaningful additional protections to first responders and that they would have unintended consequences that could hinder local health departments in fulfilling their obligations to protect the public's health.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. Pestronk". The signature is fluid and cursive, with the first name "Robert" being the most prominent part.

Robert M. Pestronk
Executive Director