



HIV Reporting for Blood and Plasma Centers in California

[Office of AIDS](#) Fact Sheet 2017

Blood or plasma center reporting of HIV results is governed by Health and Safety Code (HSC) Sections 1603.1 and 1603.3 and the California Code of Regulations (CCR) Title 17, section 2643.10. Pursuant to these laws, blood and plasma centers are not required to report HIV test results to the local health officer. However, blood and plasma centers **may report HIV results to the local health officer in the following two instances:**

1. The blood or plasma center cannot locate the individual in order to notify them of reactive test results and reasonable efforts by the blood bank or plasma center to locate the donor have failed.
 - In this case, the blood or plasma center may disclose the test results to the local health officer (or their designee).¹ The local health officer or their designee may locate and notify the individual of their test results. The local health officer then must destroy the records from the blood or plasma center. Authority: HSC section 1603.3(f).
 - The local health officer or their designee can coordinate linkage to care under their statutory authority to perform this work, including but not limited to H&SC 120175. Each health officer knowing or having reason to believe that any case of the diseases made reportable by regulation of the department, or any other contagious, infectious or communicable disease exists, or has recently existed, within the territory under his or her jurisdiction, shall take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases.
 - Once a patient has been linked to care, the physician has a duty to report HIV in accordance with the State's HIV reporting laws: "A physician, hospital, or other health care provider shall report all AIDS cases, HIV infections, and viral hepatitis infections, including transfusion-associated cases or infections, to the local health officer with the information required, and within the timeframes established by the department, pursuant to Title 17 of the California Code of Regulations." Authority: H&SC 1603.3(c).

¹ Health and Safety Code section 7 allows the local health officer to designate an appointee to fulfill any H&SC designated duties of the local health officers (including H&SC 1603.3).

2. The blood or plasma center has obtained voluntary written consent to report the results of the HIV test to the local health officer for the purposes specified in the consent form. Blood and plasma centers should consult their legal counsel for guidance on the development and use of voluntary written consent forms. The local health officer does not need to destroy the records reported in this manner as required under the first instance in this fact sheet.

Authority: Standards for California blood and plasma centers are codified in HSC section 1602.5 and require compliance with the 13th Edition of "Standards for Blood Banks and Transfusion Services" (or any amendments or later published editions thereto), as published by the American Association of Blood Banks. These standards require informed consent from the donor about reporting the results to the local health department. These standards also require that the donor have an opportunity to ask questions and to refuse consent for donation.

While blood and plasma centers under the current state laws are not mandated HIV reporters, the laws in H&SC section 1603.1(c) do require that the physician, hospital or other health care provider (presumably once the individual has been notified and linked to care) report these test results to the local health officer.