



PHOTO BY MARTY DAVIS
Demonstrators protest against the HIV names reporting policy last year

HIV POLICY DELAYED

The acting head of the Oregon Health Division recently announced the delay of a new policy that will report the names of those testing positive for HIV.

The policy, scheduled to take effect July 1, now will be enacted Oct. 1. Oregon will become the 37th state to require name-based HIV reporting.

Health officials say the delay will give them time to educate the public about the plan and to hold a series of focus group meetings and hearings to address community concerns. The state has been considering the policy change for more than two years.

Dr. Martin Wasserman, former head of the division, announced last December that Oregon would start to report the names of those testing positive for the virus that causes AIDS. He came under attack from activists who think such a policy will keep people, especially minorities and the poor, from getting tested. Wasserman argued that no evidence from any state across the country indicated a names reporting policy resulted in a decrease in the number of people getting tested.

The policy calls for the name of a person testing positive for HIV to be reported to the state. The name will be part of a confidential and secure record for 90 days, then will be converted into a numerical code. The 90 days will allow personal physicians and county health workers the opportunity to follow up with the patient and to disseminate information about treatment and support.

Names reporting also is said to provide valuable data for epidemiologists tracking the disease. Anonymous testing will continue to be available at public health clinics throughout the state.

People with AIDS have been reported, by name, since the beginning of the epidemic. The names of those testing positive for more than 50 communicable diseases also are reported to state health officials. Opponents of the policy say HIV shouldn't be included in that long list because of the social implications faced by many people who are HIV-positive.

COURT CASE SETS PRECEDENT ON HIV DISCRIMINATION

A federal court decision reinstating an Oregon ski patroller who was fired for

refusing an HIV test will strengthen legal protections for health care workers and others whose employers overreact to remote risks of HIV infection, the American Civil Liberties Union said May 14.

"This is a victory for science over fear," said Matt Coles, ACLU AIDS Project director. "The court found that there was no real risk of transmission from emergency health workers—and that in the absence of real risk, there could be no discrimination."

A U.S. District Court judge in Eugene ordered the man reinstated May 11, ruling that a ski resort violated the Americans with Disabilities Act by removing him from its slopes in 1996, when he refused to take an HIV test once his supervisors learned his wife has AIDS. He was taken off of his regular patrol duties and assigned to plow snow in the parking lot during the graveyard shift. Based on extensive medical evidence the ACLU presented during a trial in the case earlier this year, U.S. District Judge Michael Hogan found that workers who are the first to respond to the scene of a medical emergency pose no significant risk of infecting others with HIV.

"At best, [the ski resort] has proved only a remote risk to others," he wrote. "This does not demonstrate the significant risk required" under the American with Disabilities Act.

The decision will be one of the strongest tools yet in protecting a range of health care workers who often face discrimination from employers who fear that any risk of transmission—however small—forces them to remove employees from their medical duties.

"We've been trying to get a decision like this for more than 15 years," Coles said. "Emergency medical care is one of the last bastions of blatant job discrimination based on HIV. This ruling tells every health care company and medical supervisor in America that 'no significant risk' means just that. You can't escape the law by saying you just want to play it safe. 'No real risk' means 'no discrimination.'" □

Compiled by JONATHAN KIPP and JIM RADOSTA



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