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SB-278 Health data: HIV test results. (2025-2026)

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Senate Bill No. 278

CHAPTER 748

An act to amend Section 120985 of the Health and Safety Code, relating to health data.

[Approved by Governor October 13, 2025. Filed with Secretary of State October 13, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

SB 278, Cabaldon. Health data: HIV test results.

Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions.

Existing law generally imposes penalties on a person who negligently, willfully, or maliciously discloses the results of a human immunodeficiency virus (HIV) test to a third party in a manner that identifies or provides identifying characteristics of the person to whom the test results apply, as specified.

Existing law, notwithstanding the above-described restrictions, authorizes the recording of the HIV test results by the physician who ordered the test in the test subject's medical record and authorizes other disclosure of the results without written authorization of the test subject, or the subject's representative, to the test subject's providers of health care, excluding a regulated health care service plan, for purposes of diagnosis, care, or treatment of the patient.

This bill would authorize a provider of health care to disclose the results of an HIV test that identifies or provides identifying characteristics of a Medi-Cal beneficiary without written authorization of the test subject, or the subject's representative, to the Medi-Cal managed care plan to which the beneficiary is assigned, if applicable, and to external quality review organizations conducting external quality reviews of Medi-Cal managed care plans, for the purpose of administering quality improvement programs, including, but not limited to, value-based payment programs and healthy behavior incentive programs, designed to improve HIV care for Medi-Cal beneficiaries.

Under the bill, HIV test results that do not identify or provide identifying characteristics of the test subjects would be authorized for disclosure without written authorization by the Medi-Cal managed care plan to departmental staff for the above-described purpose.

The bill would make certain clarifying or declaratory statements with regard to related provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 120985 of the Health and Safety Code is amended to read:

120985. (a) (1) Notwithstanding Section 120980, the results of an HIV test that identifies or provides identifying characteristics of the person to whom the test results apply may be recorded by the physician who ordered the test in the test subject's medical record or otherwise disclosed without written authorization of the subject of the test, or the subject's representative as set forth in Section 121020, to the test subject's providers of health care, as defined in Section 56.05 of the Civil Code, except as described in paragraph (3), for purposes of diagnosis, care, or treatment of the patient.

(2) (A) Notwithstanding Sections 120980 and 121010, the results of an HIV test that identifies or provides identifying characteristics of a Medi-Cal beneficiary may be disclosed by a provider of health care without written authorization of the subject of the test, or the subject's representative as set forth in Section 121020, to the Medi-Cal managed care plan to which the beneficiary is assigned, if applicable, and to the external quality review organizations contracted by the State Department of Health Care Services to conduct external quality reviews of Medi-Cal managed care plans, for the purpose of administering quality improvement programs, including, but not limited to, value-based payment programs and healthy behavior incentive programs, designed to improve HIV care for Medi-Cal beneficiaries.

(B) HIV test results that do not identify or provide identifying characteristics of the subjects of the tests may be disclosed without written authorization by the Medi-Cal managed care plan to State Department of Health Care Services staff for the purpose described in subparagraph (A).

(3) Except for a Medi-Cal managed care plan to which a beneficiary is assigned, the results of an HIV test that identifies or provides identifying characteristics of the person to whom the test results apply may not be disclosed without written authorization of the subject of the test, or the subject's representative, to a health care service plan regulated pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2.

(4) This subdivision shall be construed as being subject to Sections 120975 and 120980, including for purposes of individuals or entities described in this subdivision.

(b) (1) Recording or disclosure of HIV test results pursuant to subdivision (a) does not authorize further disclosure unless otherwise permitted by law.

(2) Paragraph (1) also applies to further disclosure to any federal agency or any authority in another state, unless otherwise required by federal law.