

THE HIV PARTNER PROTECTION
ACT**HON. TOM A. COBURN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. COBURN. Mr. Speaker, for over fifty years, health authorities have used partner notification programs to stem the spread of contagious diseases. Such an approach helps to identify those at risk, provide them with counseling and testing as well as treatment, if necessary, thereby breaking the cycle of transmission. During the first years of the AIDS epidemic, however, partner notification programs were suspended and replaced with extraordinary privacy protections in the hope that such an approach would encourage high risk individuals to come forward and be voluntarily tested. Because of this decision, if you have been unknowingly exposed to HIV, the deadly virus which causes AIDS, you have no right to know that your life may be in danger—even if public health authorities know that you are in danger.

While every state is required to have a procedure to notify those who may have been exposed, only 30 states have enacted HIV notification laws, and most do not mandate a duty to notify. Because of this inconsistency, most of those exposed to HIV do not find out until they have been infected for some time and are already sick with AIDS-related disease. By this point, they have been denied the medical care that can prolong their lives and stave off illness and may have infected others unknowingly.

Due to this abhorrent policy, it is not shocking that nearly 400,000 Americans have died from AIDS in the short period since the disease was discovered in 1981 and another one million Americans are believed to be infected with HIV today. And despite billions of dollars spent on prevention and research, more than 40,000 new infections are estimated to occur each year in the United States and no cure or vaccine appear to be on the horizon.

We do, however, know enough about the virus to prevent its spread, but the response of the federal government and the public health community has contributed to the growth of the epidemic. From its onset, proven public health practices which have been successful in helping to curtail other contagious diseases were abandoned in our efforts against HIV. Due to the unfair stigmas associated with the populations most at risk, it was decided that HIV would be treated as a civil rights issue instead of a public health crisis. As a result, our response has been based almost exclusively on the rights of those infected to the detriment of the uninfected.

But times have changed. Women and communities of color are now the fastest growing casualties of HIV. New drug therapies have been developed that offer hope for many of those who are infected to lead longer and healthier lives, especially when they are diagnosed early. And federal, state and local laws, including the Americans With Disabilities Act have been enacted to protect the civil rights of the afflicted.

Due to these changes, many who initially opposed public health measures such as partner notification have now reconsidered. Just this year, the New York Assembly overwhelm-

ing passed legislation, which is now state law, which would mandate notification of those who may have been exposed to HIV. Even civil libertarians such as Senator TED KENNEDY have advocated partner notification. In 1990, Senator KENNEDY, stating that "there is a duty to warn," proposed HIV partner notification legislation which was approved by the Senate.

The HIV Partner Protection Act gives Congress another opportunity to enact this important procedure which would alert those at risk and save lives. This bill introduced by Rep. GARY ACKERMAN (D-NY) would guarantee that everyone who is diagnosed with HIV receives appropriate counseling for preventing infecting others and information regarding treatment to protect their own health. It would also protect those who seek HIV testing by forbidding insurance companies from discriminating against anyone who receives a test for HIV, regardless of the results. But most importantly, the HIV Partner Protection Act would require that anyone who may have been exposed to HIV by a past or present partner be notified.

Partner notification is extremely important to disease control because it is the only timely way to alert those in danger of infection. It is the standard public health procedure for curtailing the spread of virtually all other sexually transmitted diseases and has been credited in part for the fact that syphilis cases in the U.S. have fallen to the lowest levels in U.S. history.

Partner notification essentially requires two steps. The first is to counsel all infected individuals about the importance of notifying their partner or partners that they may have been exposed. The second is for their doctor to forward the names of any partners named by the infected person to the Department of Health where specially trained public health professionals complete the notification.

In all cases, the privacy of the infected is—and must be—protected by withholding the name of the infected person from the partner being notified. Because names are never revealed, the infected retain their anonymity.

Partner notification has proven to be highly effective and there is no evidence that partner notification programs discourage individuals from being tested. Between 50% and 90% of those who tested positive cooperate voluntarily with notification. Further, even higher proportions of those partners contacted—usually 90% or more voluntarily obtain an HIV test.¹ But only 10% or less of people who have recently tested HIV-positive manage, by themselves, to notify their partners.²

Federal law already requires spousal notification (Public Law 104-146). Since it applies only to those partners who are or had been married, it makes perfect sense to expand notification to all of those who may have been exposed to HIV.

Partner notification is especially important for women because many HIV-infected women (50% to 70% in some studies) do not engage in high risk behaviors but were infected by a partner who does.³ Recent studies also indicate that AIDS develops more quickly in women who would therefore benefit from being alerted to their condition as early as possible.

In addition to saving lives, partner notification also saves money. The Centers for Disease Control and Prevention (CDC) has concluded that even if only one in 80 notifications results in preventing a new case of HIV-infection, given the huge medical and social costs

of every case (lifetime cost for HIV treatment is \$154,402), notification pays for itself.⁴

Jack Wroten, who heads the Florida partner notification program, said that "I would hope that the controversy surrounding partner notification would cease" because "it works" and "it's very, very productive. And the fact is that the majority [of people], if you ask them, 'Do you want to be notified?'—absolutely."⁵ A poll published in the New York Post⁶ supports his statement with an overwhelming number of Americans stating that the rights of partners of those infected with HIV should outweigh the privacy rights of the infected.

Clearly, this important piece of legislation is long overdue. Every day we put off enacting this life saving policy, HIV will continue to claim more innocent victims whom could have been saved.

FOOTNOTES

¹Chris Norwood, "Mandated Life Versus Mandatory Death: New York's Disgraceful Partner Notification Record," *Journal of Community Health*, vol. 20, No. 2, April 1995, Page 164.

²Norwood, page 168.

³Tracey Hooker, HIV/AIDS Facts to Consider: 1996, February 1996, Page 13.

⁴Norwood, page 164. Lifetime treatment cost data presented by the Centers for Disease Control and Prevention at the 12th World AIDS Conference in Geneva, July 1998.

⁵Nina Berstein, "When Women Aren't Told," *Newsday*, February 3, 1996.

⁶"POLL" *New York Post*, May 6, 1991.

WELL DESERVED TRIBUTES FOR
GUILLERMO MUNIZ**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 6, 1998

Mr. MILLER of California. Mr. Speaker, I know that all Members of the House of Representatives want to join me and the Contra Costa community in saluting one of the most dedicated and generous men I have ever known, Guillermo "Bill" Muniz, who will be honored at two public ceremonies this weekend for his outstanding contributions to youth and the future of our region.

Bill is a legend. His New Mecca restaurant is a legend. His generosity to children, to athletic teams, to his community of Pittsburgh, to education—the list is virtually endless—is the stuff of legend. For three decades, Bill Muniz has operated more than a restaurant. The New Mecca serves as his control center for a never-ending, community-wide program of supporting schools and volunteers, sports teams and a remarkable cross-section of northern California.

Bill's generosity is as fabled as his enchiladas and burritos, and just as gratifying. No one asked Bill to donate thousands of meals for church fundraisers or to feed workers clearing the Bay Bridge after the Loma Prieta earthquake; no one asked him to help feed the volunteers at the Polly Klaus Foundation. Bill pitched in because he loves his community. It is with that same spirit that he has catered the local professional sports teams that now consider New Mecca dinners a major advantage of being located in the Bay Area.

For years, a lunch at the New Mecca with friends has been my tradition on Election Day, and on those occasions as on any other day that you enter this deceptive storefront in