



## Department of Health

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Acting Executive Deputy Commissioner

November 20, 2023

Dear Colleague:

This letter and accompanying resource materials outline amendments to the New York State (NYS) Public Health Law (PHL) regarding provider reporting of human immunodeficiency virus (HIV) infection. Confidential reporting is integral to epidemiologic surveillance that evaluates the progression of HIV/AIDS in NYS. These updates enhance this work and contribute to targeted prevention efforts, focused resource management, and improved health outcomes for all New Yorkers.

The amendments to 10 NYCRR (New York Codes Rules and Regulations) sections 63.2 and 63.4:

1. Reduce the time within which HIV diagnoses must be reported from 14 days to 7 days.
2. Implement reporting of acute HIV infection (AHI), including primary HIV infection, acute retroviral syndrome, and early HIV infection, within one day (24 hours) of such determination or diagnosis.
3. Require reporting of HIV testing conducted for insurance institution underwriting decisions by clinicians under whose medical license the HIV testing is ordered.

Under the new provision to 10 NYCRR Part 63.4, physicians and other persons authorized to order diagnostic tests or make medical diagnoses, or their agents, must report any determination or diagnosis of AHI, within **one day (24 hours)** of such determination or diagnosis. The amendment defines [AHI](#) as the earliest stage of HIV disease preceding the development of detectable antibodies resulting from the viral infection. AHI is defined based on (1) laboratory testing results demonstrating the presence of p24 antigen and HIV virus (RNA or DNA), in the absence of antibodies; and/or (2) clinical evidence of documented negative testing history which includes negative or indeterminate test results within 180 days before the first confirmed positive HIV test result of any type.

Physicians and other persons authorized to order diagnostic tests or make medical diagnoses, or their agents, are required by PHL, Article 21, Title III, Section 2130 to report using the DOH-4189 Medical Provider HIV/AIDS and Partner/Contact Report Form (PRF) within **one (1) day** for AHI. For all other HIV-related diagnoses, reporting should be no later than **seven (7) days** after receipt of positive laboratory result, or after diagnosis, whichever is sooner. Given the changes in the reporting time, it is recommended that the PRF be completed electronically via the HIV/AIDS Provider Portal on the NYS Department of Health, Health Commerce System at <https://commerce.health.ny.gov>. This electronic system enables clinicians to meet their public health reporting requirements and to request timely information about their patients thought to be out of care. The attached guide provides detailed instructions for accessing the Provider Portal. Please call 518-474-4284 with additional questions.

Sincerely,

Carol-Ann Swain, PhD, Director  
Bureau of HIV/AIDS Epidemiology  
Division of Epidemiology, Evaluation, and Partner Services  
New York State Department of Health

# 2023 Changes to Provider Reporting of Human Immunodeficiency Virus (HIV) in New York State (NYS)

## New Reporting Requirements: 2023 Public Health Law Update

### Reporting Timelines

#### Acute HIV Infection

Report within **24 hours** of diagnosis

#### HIV Infection Not Acute & AIDS

Report within **7 days** of diagnosis or receipt of laboratory results

### Insurance Reporting

HIV testing conducted in the context of insurance institution underwriting decisions is required to be reported by clinicians under whose medical license the HIV testing is ordered.

#### Previous Reporting Requirement

Within **14 day** of HIV or AIDS diagnosis or receipt of laboratory results

## How to Report

DOH-4189 Medical Provider HIV/AIDS and Partner/Contact Report Form

## Electronic Reports (Preferred)

Complete the DOH-4189 form electronically using the HIV/AIDS Provider Portal on the New York State Health Commerce System (HCS).

## Paper Reports

### Non-New York City (NYC) providers

should mail the **yellow copy only** of the completed DOH-4189 form to the:

New York State Department of Health  
Division of Epidemiology, Evaluation,  
and Partner Services  
PO Box 2073  
ESP Station  
Albany, NY 12220-0073

### NYC providers

should complete the form and call the NYC HIV Epidemiology Program at 212-442-3388 to submit.

The Public Health Law, Article 21, Title III, Section 2130 can be found at [nysenate.gov/legislation/laws/PBH/2130](https://nysenate.gov/legislation/laws/PBH/2130)  
The update to AHI reporting can be found at [dos.ny.gov/system/files/documents/2023/03/032223.pdf](https://dos.ny.gov/system/files/documents/2023/03/032223.pdf)



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of Health

# HIV/AIDS Provider Reporting

## What to Report

Reporting of HIV and AIDS is required by physicians and other persons authorized to order diagnostic testing for individuals screened for HIV in New York State. Reporting is initiated upon receipt of positive laboratory results or after diagnosis, whichever is sooner.

## Reporting Timelines

### Acute HIV Infection

Report any determination or diagnosis of Acute HIV Infection (AHI) including primary HIV infection, acute retroviral syndrome, and early HIV infection. An AHI is the earliest stage and is associated with high levels of viremia and undetectable antibodies.

Acute infection should be **reported within 24 hours of diagnosis**.

### HIV Infection (not acute)

Non-AHI HIV infection is determined using the Diagnostic Testing Algorithm. Testing begins with an FDA-approved antigen/antibody immunoassay that detects HIV-1 and HIV-2 antibodies and HIV-1 p24 antigen. Reactive assays should have subsequent differentiation and viral load testing completed. Reports should be made **within 7 days of diagnosis or receipt of positive laboratory results** whichever is sooner.

### AIDS

AIDS (Stage 3 HIV Infection) should be determined using criteria such as CD4+ T-lymphocyte <200 cells/ $\mu$ L or an opportunistic infection (AIDS-defining illness). Reports should be made **within 7 days of diagnosis or receipt of positive laboratory results** whichever is sooner.

## Reporting Methods

### Electronic Reports

Use the HIV/AIDS Provider Portal on the New York State Health Commerce System to complete the electronic provider reporting form.

### Paper Reports

#### Non-New York City (NYC) Providers:

Complete DOH-4189 and mail **yellow copy only** to:

Division of Epidemiology, Evaluation, and Partner Services  
PO BOX 2073, ESP Station  
Albany, NY 12220-0073

#### NYC Providers:

Complete DOH-4189 and call the NYC HIV Epidemiology Program at 212-442-3388 to submit.

*Completion of a Medical Provider HIV/AIDS Report Form (DOH-4189) is required by NYS public health law Article 21, Chapter 163. The form can be completed electronically (preferred) or by paper submission.*

## General Questions

Call the New York State Department of Health at 518-474-4284 for paper copies of the DOH-4189 form or with general reporting questions.

For more information on the Public Health Law for HIV/AIDS reporting visit [https://www.health.ny.gov/diseases/aids/providers/regulations/partner\\_services/](https://www.health.ny.gov/diseases/aids/providers/regulations/partner_services/).



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