

65C-16.011 Confidentiality – Human Immunodeficiency Virus (HIV) Infected Clients.

(1) The community based provider or sub-contractor agency shall disclose to adopting parents the name of a child who has been tested for HIV and the results of that test when the decision to adopt the child has been confirmed by the adopting parents. Prior to the confirmation of the decision, the adoptive parents shall be told that the child being considered by them has tested positive for HIV but cannot be told the child's identifying information, including last name, until after the decision to place has been made.

(2) The adopting parents who have accepted an HIV infected child into their home must be given a written statement which includes the following language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose."

(3) The adoption record must contain documentation that the written statement was given to the adoptive family.

Specific Authority 381.004(3)(f)11. FS. Law Implemented 381.004(3)(f)11. FS. History—New 5-20-91, Amended 4-19-94, Formerly 10M-8.0061, Amended 8-19-03, 11-30-08.