

CDC: No post-test counseling needed for negative results.

Solution:

Each Kentucky public healthcare worker who will administer HIV testing should be trained by the state in post-test counseling methods.

Support for Negative Tests:

- Assure confidentiality
- “Your test for HIV came back negative”
- Give patient time to process results
- “Because you have recently had unprotected sex, you should consider testing again in 3-6 months.”
- “Here is the name and phone number of an agency that provides information & support groups for safer sex practices.”
- “I recommend the following strategies to reduce your risk of infection . . .”

Support for Positive Tests:

- Assure confidentiality
- “Your test for HIV was positive”
- Give patient time to process results. Answer questions and concerns; discuss support services they can access.
- “A positive result means that you have the HIV virus but do not necessarily have AIDS. There is treatment available.”
- “I will refer you to the following treatment center for continued support and care.”
- “We should also discuss methods you can adopt to prevent the spread of the virus . . .”
- You have the choice to notify your partner. You may choose to tell him/her yourself, we can assist with notification, or the health department can notify partner(s) anonymously.”

Additional Resources:

ACTS (Assess, Consent, Test, Support)
A four step process designed to make provider-delivered HIV testing feasible in clinical care settings.

www.adolescentaids.org/healthcare/acts.php

Additional information on HIV Antibody Testing:

Kentucky HIV/AIDS Branch Hotline:

800.420.7431

<http://chfs.ky.gov/dph/epi/HIVAIDS/>

Case Reporting Only:

866.510.0008

Kentucky Infectious Disease Consult 24/7:

800.888.5533

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Routine HIV Testing in Healthcare Settings

**A Pocket Reference Guide
Reconciling CDC's
Revised Testing
Guidelines of
September 2006
&
Kentucky State Law**



Need for this Guide

The CDC Guidelines set forth in September, 2006, call for routine HIV testing of all patients aged 13-64.

*The guidelines are a recommendation by the CDC, but they do not override Kentucky's laws or your institutional practices.

Where to find the CDC Guidelines:

www.cdc.gov/hiv/topics/testing/healthcare/index.htm#guidelines

Where to find Kentucky Law:

<http://www.lrc.ky.gov/Law.htm>

Opt-In Testing Defined:

A physician or other healthcare provider asks you if you would like to be tested for a disease at any particular visit.

Opt-Out Testing Defined:

Opt-out testing is when a physician or other healthcare provider tests you for a disease or condition unless you specifically refuse the test.

*HIV test results should be documented in patient's confidential record.

Conflict #1: Opt-In Vs. Opt-Out Testing

KY Law: Kentucky uses an Opt-In Voluntary testing.

CDC: Recommends HIV screening for all individuals ages 13-64. (Opt-Out)

Solution:

There are no KY statutes that would prohibit the implementation of the CDC recommendation.

How to discuss testing with your patient:

"I recommend routine HIV testing for all of my patients. I'd like to tell you about the benefits of getting an HIV test . . ."

Conflict #2: Need for Consent

KY Law: Consent is required before an HIV test may be administered in Kentucky; however, separate and specific consent for HIV testing is not required. If a patient signs a general consent form for treatment, a qualified clinician may conduct an HIV test for diagnostic purposes.

CDC: Oral or written consent. Written consent can be integrated into general consent forms. (Opt-Out).

Solution:

Provide consent forms that include all required information. Section 2 of KRS 214.625 outlines consent for HIV testing. Oral consent is also permissible in Kentucky. Public health clinics are required to provide anonymous testing, so the allowance for oral consent is necessary.

Conflict #3: Need for Pretest Counseling

KY Law: In Kentucky public healthcare clinics, pretest counseling is mandated by statute (section 7 of KRS 214.625). Private healthcare providers are not required to provide pretest counseling.

CDC: Pretest counseling not required.

Solution:

Each Kentucky public healthcare worker who will administer HIV testing should be trained by the state in pretest counseling methods. Call Tom Collins for assistance: 800.420.7431

How to discuss consent & testing with your patient:

- "Before an HIV antibody test is given, consent is needed. Please review the form and ask questions if needed."
- "Should you test positive Kentucky law requires that your name be reported to the State Health Department. This is a confidential process. You will be offered counseling, treatment and information. You will also learn about partner notification, which is a completely voluntary process."

Conflict #4: Need for Post-test Counseling

KY Law: Post-test counseling is required to be provided in person with all individuals testing in public health clinics. Post-test counseling is not required for patients of private healthcare facilities (section 7 of KRS 214.625)