

AIDS Foundation OF CHICAGO

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The African American HIV/AIDS Response Act, P.L. 94-0629

The African American HIV/AIDS Response Act, championed by Rep. Constance Howard (D-Chicago) and Senator Kimberly A. Lightford (D-Maywood), provides a comprehensive plan to address HIV/AIDS in Illinois. The provisions of the bill are outlined below.

The act makes HIV testing available in state offices, assists welfare recipients, and addresses the intersection of HIV and corrections. The act:

- *Increases the availability of HIV testing:* State agencies operating busy facilities in areas where residents are at high risk for HIV infection must offer space for community-based organizations to provide rapid HIV testing. Agencies are permitted to define what constitutes a busy facility. The Illinois Department of Public Health (IDPH) must define high-risk areas in rules by March 15, 2006.
- *Creates African American HIV/AIDS Response Officers:* Specially appointed positions in the Office of the Governor, IDPH, Illinois Department of Human Services (IDHS), and Illinois Department of Corrections (IDOC) coordinate the response to HIV/AIDS in the African-American community and serve as liaisons to other agencies and groups.
- *Permits a Medicaid waiver:* The Illinois Department of Public Aid may submit to federal regulators a waiver application to expand coverage to non-disabled people with HIV/AIDS.
- *Modify welfare work participation:* Welfare recipients may request a change in their work, education, or training program if they meet ADA standards for disability. Requests will be evaluated on a case-by-case functional basis in accordance with a rule issued by IDHS.

Corrections Provisions

- *HIV/AIDS Response Review Panel:* A nine-member panel housed in the Governor's Office must report annually on implementation of provisions of this act relating to IDOC. The panel includes the chair, appointed by the Governor; representatives of IDOC, IDPH, and IDHS; two ex-offenders, appointed by the governor (one must be from Cook County, the other from an other area of the state); and three representatives of HIV/AIDS organizations. If a majority of the HIV/AIDS organization's clients are African American, the panel member must be African American.
- *Study:* The Chicago State University HIV/AIDS Policy and Research Institute must conduct a study to determine if there is a correlation between incarceration and HIV infection.
- *Website materials:* IDPH must provide on its website materials about HIV/AIDS prevention and education targeted to current or former inmates. IDOC must link from its website to these materials.

Illinois Department of Corrections Provisions

- *Entitlement to testing, care, and services:* Juvenile and adult IDOC inmates are entitled to voluntary HIV counseling and testing with no co-pay. An inmate who is HIV-positive is entitled to medical care, counseling, and referrals to support services related to HIV while incarcerated.
- *HIV testing in IDOC facilities:* After arriving at an institution, and before release, juvenile and adult inmates must be provided written information and counseling on HIV/AIDS. They must be offered a voluntary HIV test with no co-pay. After being offered the HIV test, inmates must sign a form indicating that they were informed of their rights. They must also indicate if they would like to be tested for HIV or not. IDOC must develop this form in consultation with IDPH.
- *Transitional case management:* Before HIV-positive inmates are released, IDOC must offer them transitional case management, including referrals to support services.
- *Information for visitors:* IDOC must offer every visitor written materials on HIV/AIDS, including how to contact IDPH for counseling. The materials must be culturally sensitive and reflect cultural diversity.

HIV Testing in County Jails

- *HIV/AIDS information and testing:* In all counties except Cook, an employee of the jail or the medical staff must provide prisoners with written information on HIV and AIDS on intake, and inform them of the option to be tested by a community-based organization or other medical provider at no charge.
- *HIV Testing in Cook County:* In Cook County, the above provisions apply, except testing must be offered and provided by employees of the Cook County Bureau of Health.
- *Information for visitors:* In every county, jails must make available to visitors written information about HIV/AIDS, including information on obtaining local counseling and testing.
- *Written materials:* IDPH and community-based organizations must provide all written materials about HIV/AIDS to jails at no cost.

Funding will be appropriated for the act in future legislative sessions. For more information, contact John Peller, Director of State Affairs, (312) 922-2322.

Additional Resources

For the full text of HB2578, please visit the Illinois General Assembly website at <http://www.ilga.gov/legislation/billstatus.asp?DocNum=2578&GAID=8&GA=94&DocTypeID=HB&LegID=18528&SessionID=50>

AIDS Foundation of Chicago fact sheet on HIV/AIDS in the African American Community
<http://www.aidschicago.org/prevention/statistics.php>

Seminar: Confronting HIV/AIDS in the African American Community
http://www.kaisernetwork.org/health_cast/hcast_index.cfm?display=detail&hc=1454

Chicago Department of Public Health's fact sheet on HIV/AIDS among African Americans:
<http://www.cdc.gov/hiv/pubs/Facts/afam.htm>

The Black AIDS Institute:
<http://206.196.5.81/prod.blackaids.org>