



OFFICE OF THE GOVERNOR

ROD BLAGOJEVICH - GOVERNOR

# NEWS

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## **Gov. Blagojevich signs law making HIV testing a routine part of medical care in Illinois**

*Legislation removes the stigma from getting an HIV test, preserves informed consent for patients and promotes early detection*

SPRINGFIELD – On National HIV Testing Day, Governor Rod R. Blagojevich signed a new law making HIV testing a routine part of general medical care. Senate Bill 929 allows medical providers to proceed with a test once they have secured verbal informed consent, instead of written consent, from a patient clearly acknowledging that a test will be administered as part of their check-up or routine blood work. This change in the law will increase the number of Illinoisans who are tested for HIV/AIDS and increase awareness regarding individual knowledge of HIV status. Rep. LaShawn Ford (D-Chicago) and Sen. Carol Ronen (D-Chicago) sponsored the legislation.

“Today, we’re taking another important step in the fight against HIV and AIDS. This new law makes HIV testing part of the routine medical practice. We’ll be able to help people who test positive receive proper care earlier than they may have in the past and help reduce the spread of HIV,” said Gov. Blagojevich.

SB 929 makes it much simpler for people to be tested for HIV/AIDS and allow for more routine testing, similar to tests for cholesterol, glucose levels, urine analysis and blood count. Ultimately, this will result in more HIV infections being detected at earlier stages. Early detection means early care, services and treatment to prolong the longevity and quality of life for people affected by the disease. SB 929 also preserves requirements that HIV pre-test information be provided in writing, verbally, or by video, electronic, or other means. The medical providers must offer patients an opportunity to ask questions about the HIV test and decline testing.

The move to verbal informed consent should mean more patients are voluntarily tested for HIV. A similar move by the San Francisco Health Department (to move to informed consent for HIV testing from written consent) resulted in a marked increase in HIV test rates and the awareness of HIV

status. The U.S. Centers for Disease Control and Prevention (CDC) also supports transitioning away from written consent. The CDC recommends:

1. HIV testing for all patients in a health care setting, after the patient has been notified that testing will be done unless the patient declines (opts out from HIV screening).
2. Persons at high risk for HIV infection should be screened at least one time per year.
3. Separate written consent for HIV testing should not be required;

“With the signing of this bill today, Illinois will advance a new paradigm for HIV testing that not only streamlines testing but also ensures testing remains informed, ethical, and grounded in the bedrock tenets of patients’ rights,” said AFC Executive Director Mark Ishaug.

Some of the other efforts, in Illinois, to fight HIV/AIDS include:

- Free HIV testing – at IDPH sponsored events and on the *Wellness on Wheels Van* offering health screenings around the state
- ADAP (AIDS Drug Assistance Program) provides access to life sustaining medicines. For those who qualify, Illinois provides HIV drugs for each client.
- BASUAH (Brothers and Sisters United Against HIV/AIDS) is a campaign to raise awareness and promote education, prevention and testing by specifically funding interventions that are designed to decrease new infections among African Americans.
- African American HIV/AIDS Response Fund (building on the awareness that BASUAH started) to establish a system for delivering HIV/AIDS services to reduce transmission in the African American community.

“This law comes as the result of significant and lengthy discussions between the Blagojevich Administration, the African American community and the AIDS Foundation of Chicago and I’m proud of this legislation that will enhance the health and safety of the people of Illinois and allow greater access to HIV testing,” said Sen. Carol Ronen (D-Chicago).

“I would like to thank the Governor for making HIV testing easier for the people of Illinois. This new law will make it easier to identify more people who have HIV and to get them the care they need to live longer and more productive lives,” said State Rep. LaShawn Ford (D-Chicago).

Although the requirement for written consent is eliminated, this legislation does not dismiss the need for HIV testing to be voluntary. Patients are to be verbally informed about testing, provided pre-test information and the patient shall continue to have the right to refusal of all testing.

“We must do everything we can to increase access to testing so that people with HIV/AIDS can have earlier detection and access to care. We must also continue to educate and inform people in all communities about risk reduction and prevention,” said State Rep. Greg Harris (D-Chicago), the only openly gay, HIV positive member of the Illinois General Assembly.

This law goes into effect June 1, 2008.