

## **The Illinois Perinatal HIV Prevention Law<sup>i</sup> Guidelines for Delivery of Care**

**The Illinois Perinatal HIV Prevention Act (Public Act 93-0566)<sup>ii</sup>** was enacted to prevent mother-to-newborn transmission of HIV. The law requires healthcare providers to ensure that every expectant mother under their care receives HIV counseling and is encouraged to consent to voluntary HIV testing for themselves and their infant. By identifying HIV-positive mothers and newborns who test positive for the presence of HIV antibodies, treatment that greatly reduces the risk of HIV infection to infants can be provided.

### **Who is required to offer HIV counseling and voluntary testing?**

Every healthcare provider who is involved in prenatal care, labor, or delivery services is responsible for ensuring that the pregnant woman receives HIV counseling and is given the option of testing for herself and her infant. This includes licensed physicians, physician's assistants, and registered nurses.

### **What services must they offer?**

- During the prenatal stage of the woman's pregnancy, she must be provided with HIV counseling. If she has not already been tested during pregnancy, she must be offered a test.
- During labor and delivery, if the woman has not already received HIV counseling and the offer of testing, she must be provided with both.
- Upon delivery, or within 48 hours of birth, if the mother's status is unknown, HIV counseling must be provided to the parent. Unless the mother or legal guardian refuses in writing, the infant must be tested for HIV.

### **How must the HIV test be administered?**

- All testing is with consent. This means that in pre-natal or labor and delivery settings, the healthcare provider must offer the test and obtain the mother's written consent before testing. If, however, a child is born to a woman whose status is unknown, then the mother's consent for newborn testing will be presumed. Testing must be done unless the mother refuses the testing in writing.
- Any testing and test results must be documented in accordance with the AIDS Confidentiality Act<sup>iii</sup>. All counseling and offers of testing must be recorded in the woman's medical records, and any written refusals must be documented.

### **What must HIV counseling include?**

All HIV counseling to pregnant women must be in accordance with the AIDS Confidentiality Act and include:

- The benefits of HIV testing for pregnant women, including the opportunity for prevention of transmission.
- The benefit of HIV testing for the infant, including interventions to prevent transmission.
- The side effects of those interventions.
- The confidentiality provisions that relate to HIV and AIDS.
- The voluntary nature of testing, including the opportunity to refuse testing of the infant in writing.

For more information on the Illinois AIDS Confidentiality Act and other legal topics, download a legal guide at [www.aidslegal.com](http://www.aidslegal.com) or contact the AIDS Legal Council of Chicago at 312-427-8990.

<sup>i</sup> Public Act 93-0566 can be found at [www.legis.state.il.us/legislation/publicacts/fulltext.asp?name=093-0566](http://www.legis.state.il.us/legislation/publicacts/fulltext.asp?name=093-0566)

<sup>ii</sup> The Illinois Perinatal HIV Prevention Law became effective immediately upon signing, August 25, 2003

<sup>iii</sup> AIDS Confidentiality Act can be found at [www.legis.state.il.us](http://www.legis.state.il.us), under Chapter 410 of the Compiled Statutes