**Section 697.110 HIV Pre-Test Information**

a) No health care professional may order an HIV test without making available to the person tested pre-test information. *Pre-test information may be provided in writing, verbally, or by video, electronic, or other means and may be provided as designated by the supervising health care professional or health facility.* (Section 3(w-5) of the Act) The subject must be offered an opportunity to ask questions about the HIV test, or to decline testing.

b) Pre-test information may be included along with other medical information generally provided to a subject. The required pre-test information consists of the following information:

1) *A reasonable explanation of the test, including its purpose, potential use, limitations, and the meaning of the results;*

2) *A reasonable explanation of the procedures to be followed, including the voluntary nature of the test;*

3) *The availability of a qualified person to answer questions;*

4) *The right to withdraw consent to the test process at any time;*

5) *The right to anonymity, to the extent provided by law, with respect to participation in the test and disclosure of test results*;

6) *The right to confidential treatment of information identifying the subject of the test and the results of the test, to the extent provided by law* (Section 3(w-5) of the Act); and

7) The availability of referrals for further information or counseling.

c) For the purposes of this Section, *a qualified person to answer questions is a health care professional or, when acting under the supervision of a health care professional, a registered nurse, medical assistant, or other person determined to be sufficiently knowledgeable about HIV testing, its purpose, potential uses, limitations, the meaning of the test results, and the testing procedures in the professional judgment of a supervising health care professional or as designated by a health care facility.* (Section 3(w-5) of the Act)

d) Pre-test information when ordering an HIV test is not required in the situations listed in Section 697.120(b)(1), (2), (5) and (7).

(Source: Amended at 42 Ill. Reg. 6425, effective March 21, 2018)