**Section 699.20 Definitions**

"Act" means the Perinatal HIV Prevention Act [410 ILCS 335].

"AIDS" *means acquired immunodeficiency syndrome*. (Section 3(b) of the AIDS Confidentiality Act)

"Antiretroviral Preventive Treatment" means a well-established method of preventing vertical HIV transmission.

*"Department" means the Department of Public Health.* (Section 5 of the Act)

*"Health Care Facility" or "Facility"* *means any hospital or other institution that is licensed or otherwise authorized to deliver health care services*. (Section 5 of the Act)

*"Health Care Professional" means a physician licensed to practice medicine in all its branches, a physician assistant who has been delegated the provision of health services by his or her supervising physician, or an advanced practice registered nurse who has a written collaborative agreement with a collaborating physician that authorizes the provision of health services*. (Section 5 of the Act)

*"Health Care Services" means any prenatal medical care or labor or delivery services to a pregnant woman and her newborn infant, including hospitalization*. (Section 5 of the Act)

*"HIV" means the human immunodeficiency virus or any other identified causative agent of AIDS*. (Section 3(c) of the AIDS Confidentiality Act)

"HIV Test" means an HIV test method approved by the federal Food and Drug Administration (FDA) or validated under a laboratory's Clinical Laboratory Improvement Amendments (CLIA) certification.

"Informed Consent" means a written or verbal agreement by the subject of a test or the subject's legally authorized representative obtained without undue inducement or any element of force, fraud, deceit, duress or other form of constraint or coercion.

"Legally Authorized Representative" means an individual who is authorized to consent to HIV testing and/or disclosure of HIV test results for an individual who is:

Under the age of 12,

Deceased,

Declared incompetent by a court of law, or

Otherwise not competent to consent (for reasons other than age, such as lacking decisional capacity) as determined by the health care professional seeking consent.

The following individuals shall be authorized to consent, in the stated order of priority:

For a living or deceased child under the age of 18:

Parent, except as limited by Section 9(k) of the AIDS Confidentiality Act providing limitations on the ability of a parent or legal guardian to receive the child's test results, and Sections 4 and 5 of the Consent by Minors to Medical Procedures Act [410 ILCS 210] regarding release of test results involving a sexually transmitted infection,

Legal guardian or other court-appointed personal representative,

Adult next-of-kin.

For a living or deceased adult age 18 or over:

Agent authorized by durable power of attorney for health care,

Legal or other court-appointed personal representative,

Spouse or person in a civil union,

Adult children,

Parent,

Adult next-of-kin.

"Perinatal" means relating to or during the period around childbirth, especially the five months before and one month after birth.

"Physician" means a physician licensed to practice medicine under the Medical Practice Act of 1987 [225 ILCS 60].

"Rapid HIV Test" means any test approved by the FDA or validated under a laboratory's CLIA certification for the detection of HIV that can be collected and processed within 60 minutes.

"Supplemental Test" means any HIV test approved by the FDA or validated under a laboratory's CLIA certification used to confirm the positive result of a screening test.

"Vertical Transmission" means transmission of a pathogen such as HIV from mother to fetus or baby during pregnancy or birth.

(Source: Amended at 37 Ill. Reg. 226, effective December 18, 2012)