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- 1 AMENDMENT TO SENATE BILL 263
- 2 AMENDMENT NO. _____. Amend Senate Bill 263, AS AMENDED,
- 3 by replacing everything after the enacting clause with the
- 4 following:
- 5 "Section 1. Short title. This Act may be cited as the
- 6 Perinatal HIV Prevention Act.
- 7 Section 5. Definitions. In this Act:
- 8 "Health care professional" means a physician licensed to
- 9 practice medicine in all its branches, a physician assistant
- 10 who has been delegated the provision of health services by
- 11 his or her supervising physician, or an advanced practice
- 12 registered nurse who has a written collaborative agreement
- with a collaborating physician that authorizes the provision
- of health services.
- "Health care facility" or "facility" means any hospital
- or other institution that is licensed or otherwise authorized
- 17 to deliver health care services.
- 18 "Health care services" means any prenatal medical care or
- 19 labor or delivery services to a pregnant woman and her
- 20 newborn infant, including hospitalization.
- 21 Section 10. HIV counseling and offer of HIV testing

required.

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- 2 (a) Every health care professional who provides health
- 3 care services to a pregnant woman shall provide the woman
- 4 with HIV counseling and offer HIV testing, unless she has
- 5 already received an HIV test during pregnancy. HIV testing
- 6 shall be provided with the woman's consent. A health care
- 7 professional shall provide the counseling and offer the
- 8 testing as early in the woman's pregnancy as possible. For
- 9 women at continued risk of exposure to HIV infection in the
- 10 judgment of the health care professional, a repeat test
- should be offered late in pregnancy. The counseling and offer
- of testing shall be documented in the woman's medical record.
- 13 (b) Every health care professional or facility that
- 14 cares for a pregnant woman during labor or delivery shall
- 15 provide the woman with HIV counseling and offer HIV testing.
- 16 HIV testing shall be provided with the woman's consent. No
- 17 counseling or offer of testing is required if already
- 18 provided during the woman's pregnancy. The counseling and
- offer of testing shall be documented in the woman's medical
- 20 record. Any testing or test results shall be documented in
- 21 accordance with the AIDS Confidentiality Act.
- 22 (c) Every health care professional or facility caring
- for a newborn infant shall, upon delivery or within 48 hours
- 24 after the infant's birth, provide counseling to the parent or
- 25 guardian of the infant and perform HIV testing, when the HIV
- 26 status of the infant's mother is unknown, if the parent or
- 27 guardian does not refuse. The health care professional or
- 28 facility shall document in the woman's medical record that
- counseling and the offer of testing were given, and that no
- 30 written refusal was given.
- 31 (d) The counseling required under this Section must be
- 32 provided in accordance with the AIDS Confidentiality Act and
- 33 must include the following:
- 34 (1) The benefits of HIV testing for the pregnant

- woman, including the prevention of transmission.
- 2 (2) The benefit of HIV testing for the newborn
- 3 infant, including interventions to prevent HIV
- 4 transmission.
- 5 (3) The side effects of interventions to prevent
- 6 HIV transmission.
- 7 (4) The statutory confidentiality provisions that
- 8 relate to HIV and acquired immune deficiency syndrome
- 9 ("AIDS") testing.
- 10 (5) The voluntary nature of the testing, including
- 11 the opportunity to refuse testing of a newborn infant in
- writing.
- 13 (e) All counseling and testing must be performed in
- 14 accordance with the standards set forth in the AIDS
- 15 Confidentiality Act, with the exception of the requirement of
- 16 consent for testing of newborn infants. Consent for testing
- of a newborn infant shall be presumed when a health care
- 18 professional or health care facility seeks to perform a test
- on a newborn infant whose mother's HIV status is not known,
- 20 provided that the counseling required under subsection (d)
- 21 has taken place and the newborn infant's parent or guardian
- 22 has not indicated in writing that he or she refuses to allow
- 23 the newborn infant to receive HIV testing.
- 24 (f) The Illinois Department of Public Health shall adopt
- 25 necessary rules to implement this Act.
- 26 Section 99. Effective date. This Act takes effect upon
- 27 becoming law.".