

1 required.

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
11 should be offered late in pregnancy. The counseling and offer
12 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
19 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
23 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
29 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

1 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
12 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
17 of a newborn infant shall be presumed when a health care
18 professional or health care facility seeks to perform a test
19 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."