

1 AN ACT in relation to health.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Perinatal HIV Prevention Act.

6 Section 5. Definitions. In this Act:

7 "Health care professional" means a physician licensed to
8 practice medicine in all its branches, a physician assistant
9 who has been delegated the provision of health services by
10 his or her supervising physician, or an advanced practice
11 registered nurse who has a written collaborative agreement
12 with a collaborating physician that authorizes the provision
13 of health services.

14 "Health care facility" or "facility" means any hospital
15 or other institution that is licensed or otherwise authorized
16 to deliver health care services.

17 "Health care services" means any prenatal medical care or
18 labor or delivery services to a pregnant woman and her
19 newborn infant, including hospitalization.

20 Section 10. HIV counseling and offer of HIV testing
21 required.

22 (a) Every health care professional who provides health
23 care services to a pregnant woman shall provide the woman
24 with HIV counseling and offer HIV testing, unless she has
25 already received an HIV test during pregnancy. HIV testing
26 shall be provided with the woman's consent. A health care
27 professional shall provide the counseling and offer the
28 testing as early in the woman's pregnancy as possible. For
29 women at continued risk of exposure to HIV infection in the
30 judgment of the health care professional, a repeat test

1 should be offered late in pregnancy. The counseling and offer
2 of testing shall be documented in the woman's medical record.

3 (b) Every health care professional or facility that
4 cares for a pregnant woman during labor or delivery shall
5 provide the woman with HIV counseling and offer HIV testing.
6 HIV testing shall be provided with the woman's consent. No
7 counseling or offer of testing is required if already
8 provided during the woman's pregnancy. The counseling and
9 offer of testing shall be documented in the woman's medical
10 record. Any testing or test results shall be documented in
11 accordance with the AIDS Confidentiality Act.

12 (c) Every health care professional or facility caring
13 for a newborn infant shall, upon delivery or within 48 hours
14 after the infant's birth, provide counseling to the parent or
15 guardian of the infant and perform HIV testing, when the HIV
16 status of the infant's mother is unknown, if the parent or
17 guardian does not refuse. The health care professional or
18 facility shall document in the woman's medical record that
19 counseling and the offer of testing were given, and that no
20 written refusal was given.

21 (d) The counseling required under this Section must be
22 provided in accordance with the AIDS Confidentiality Act and
23 must include the following:

24 (1) The benefits of HIV testing for the pregnant
25 woman, including the prevention of transmission.

26 (2) The benefit of HIV testing for the newborn
27 infant, including interventions to prevent HIV
28 transmission.

29 (3) The side effects of interventions to prevent
30 HIV transmission.

31 (4) The statutory confidentiality provisions that
32 relate to HIV and acquired immune deficiency syndrome
33 ("AIDS") testing.

34 (5) The voluntary nature of the testing, including

1 the opportunity to refuse testing of a newborn infant in
2 writing.

3 (e) All counseling and testing must be performed in
4 accordance with the standards set forth in the AIDS
5 Confidentiality Act, with the exception of the requirement of
6 consent for testing of newborn infants. Consent for testing
7 of a newborn infant shall be presumed when a health care
8 professional or health care facility seeks to perform a test
9 on a newborn infant whose mother's HIV status is not known,
10 provided that the counseling required under subsection (d)
11 has taken place and the newborn infant's parent or guardian
12 has not indicated in writing that he or she refuses to allow
13 the newborn infant to receive HIV testing.

14 (f) The Illinois Department of Public Health shall adopt
15 necessary rules to implement this Act.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.