



Human Services Committee

Filed: 3/7/2007

09500HB1759ham001

LRB095 09579 KBJ 32695 a

1 AMENDMENT TO HOUSE BILL 1759

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1759 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Perinatal HIV Prevention Act is amended by  
5 changing Section 10 as follows:

6 (410 ILCS 335/10)

7 Sec. 10. HIV counseling and ~~offer of~~ HIV testing required.

8 (a) Every health care professional who provides health care  
9 services to a pregnant woman shall provide the woman with HIV  
10 counseling and perform ~~recommend~~ HIV testing in accordance with  
11 the Centers for Disease Control and Prevention's Revised  
12 Recommendations for HIV Testing of Adults, Adolescents, and  
13 Pregnant Women in Health-Care Settings (September 22, 2006),  
14 unless she has already received an HIV test during pregnancy or  
15 she refuses to take the test. Every health care professional  
16 who provides health care services to a pregnant woman must test

1 the woman for HIV as early in the woman's current pregnancy as  
2 possible, unless she has already received an HIV test during  
3 the current pregnancy or objects to the test. Every health care  
4 professional who provides health care services to a pregnant  
5 woman, prior to providing an HIV test, must provide the  
6 pregnant woman with oral or written information included in  
7 subsection (d) and inform the woman of her right to refuse the  
8 test. Every health care professional who provides health care  
9 services to a pregnant woman shall not perform HIV testing on  
10 that woman after she has refused the test, unless she withdraws  
11 her refusal. HIV testing shall be provided with the woman's  
12 consent. A health care professional shall provide the  
13 counseling and recommend the testing as early in the woman's  
14 pregnancy as possible. For women at continued risk of exposure  
15 to HIV infection in the judgment of the health care  
16 professional, a repeat test should be provided ~~recommended~~ late  
17 in pregnancy or at the time of labor and delivery, unless the  
18 woman refuses to the test. The health care professional shall  
19 inform the pregnant woman that, should she refuse HIV testing  
20 during her current pregnancy, her newborn infant will be tested  
21 for HIV. The provision of pre-test information and any refusal  
22 relating to testing ~~counseling and recommendation of testing~~  
23 shall be documented in the woman's medical record.

24 (b) Every health care professional or facility that cares  
25 for a pregnant woman during labor or delivery shall provide the  
26 woman with ~~HIV counseling and recommend~~ HIV testing, unless she

1 refuses to the testing. HIV testing shall be non-coercive  
2 ~~provided with the woman's consent~~. No ~~counseling or offer of~~  
3 testing is required if already provided during the woman's  
4 current pregnancy. The provision of pre-test information or  
5 refusal of testing ~~counseling and offer of testing~~ shall be  
6 documented in the woman's medical record. The health care  
7 facility shall adopt a policy that provides that as soon as  
8 possible within medical standards after the infant's birth, the  
9 mother's HIV test result, if available, shall be noted in the  
10 newborn infant's medical record. It shall also be noted in the  
11 newborn infant's medical record if the mother's HIV test result  
12 is not available because she has not been tested or has refused  
13 ~~declined~~ testing. Any testing or test results shall be  
14 documented in accordance with the Centers for Disease Control  
15 and Prevention's Revised Recommendations for HIV Testing of  
16 Adults, Adolescents, and Pregnant Women in Health-Care  
17 Settings (September 22, 2006) ~~AIDS Confidentiality Act~~.

18 (c) Every health care professional or facility caring for a  
19 newborn infant shall, upon delivery or as soon as possible  
20 within medical standards after the infant's birth, provide  
21 pre-test information ~~counseling~~ to the parent or guardian of  
22 the infant and perform rapid HIV testing on the infant, when  
23 the HIV status of the infant's mother is unknown.

24 (d) The pre-test information ~~counseling~~ required under  
25 this Section must be provided in accordance with the Centers  
26 for Disease Control and Prevention's Revised Recommendations

1 for HIV Testing of Adults, Adolescents, and Pregnant Women in  
2 Health-Care Settings (September 22, 2006) ~~AIDS Confidentiality~~  
3 ~~Act~~ and must include the following:

4 (1) For the health of the pregnant woman, the voluntary  
5 nature of the testing (the right to refuse HIV testing) and  
6 the benefits of HIV testing, including the prevention of  
7 transmission.

8 (2) The benefit of HIV testing for the newborn infant,  
9 including interventions to prevent HIV transmission.

10 (3) The side effects of interventions to prevent HIV  
11 transmission.

12 (4) The statutory confidentiality provisions that  
13 relate to HIV and acquired immune deficiency syndrome  
14 ("AIDS") testing.

15 (e) All prenatal information counseling and testing must be  
16 performed in accordance with the standards set forth in the  
17 Centers for Disease Control and Prevention's Revised  
18 Recommendations for HIV Testing of Adults, Adolescents, and  
19 Pregnant Women in Health-Care Settings (September 22, 2006)  
20 ~~AIDS Confidentiality Act, including the written informed~~  
21 ~~consent provisions of Sections 4, 7, and 8 of that Act, with~~  
22 ~~the exception of the requirement of consent for testing of~~  
23 ~~newborn infants.~~ No additional process or written  
24 documentation of informed consent beyond what is required for  
25 other routine prenatal tests is required for HIV testing.  
26 Consent for testing of a newborn infant shall be presumed when

1 a health care professional or health care facility seeks to  
2 perform a test on a newborn infant whose mother's HIV status is  
3 not known, provided that the provision of the pre-test  
4 information ~~counseling~~ required under subsection (d) has taken  
5 place.

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

8 (Source: P.A. 93-566, eff. 8-20-03; 94-910, eff. 6-23-06.)".