

SB 350 – Summary of Key Points Revised HIV Testing Law

Signed into law: April 24, 2009, by Governor Schweitzer

Effective date of Law Implementation: October 1, 2009

Contact Information: Laurie Kops, Supervisor, HIV/STD/Hepatitis C Section, Montana DPHHS, 406-444-2457, lkops@mt.gov

Rationale for Law Revision

- The revised HIV testing law reflects the 2006 CDC Recommendations for Testing Adults, Adolescents, and Pregnant Women in Health-Care Settings;
- Routinized testing of individuals between the ages of 13 – 64 is recommended to determine HIV status to reduce risk of further transmission to partners if infected, and to provide a baseline if not infected;
- Routinized testing assists in removing the stigma of HIV testing;
- Universal screening of pregnant women can significantly reduce the transmission of HIV during the birthing process;
- Infected patients have years of life to gain if treatment is initiated early, before symptoms develop;
- The costs of screening are reasonable in relation to the anticipated benefits.

Significant Changes

- Informed consent regarding testing, written or oral, is no longer required;
- Clients must be informed, verbally or in writing, that the HIV test will be performed; clients may “opt out” of the testing;
- Opting out of the HIV test must be documented in medical record;
- Pre- and post-HIV test counseling is not required for health care settings;
- Health care and community-based settings receiving DPHHS HIV Prevention funds must continue to provide pre- and post-HIV test counseling.
- HIV testing can be offered in the third trimester to pregnant women not tested earlier in their pregnancy;
- Health care providers should offer a rapid HIV test to women in labor with unknown or undocumented HIV status;

- Anti-retroviral prophylaxis can be offered without waiting for the results of a confirmatory HIV test if a rapid HIV test is preliminarily positive or a standard HIV test is positive.
- HIV results must remain confidential;
- HIV negative results can be given without direct personal contact as long as confidentiality is maintained.
- HIV positive results should be given in person.
- All positive HIV cases must be reported to the local public health department for partner notification and services; upon completion, the information must be reported to the Montana Department of Public Health and Human Services.

Strategies for Implementing Routine Testing

- Revise "General Informed Consent for Medical Care" to include HIV routine testing;
- Develop facility policy and procedures for the implementation of routine testing;
- Familiarize personnel with coding guidelines for routine HIV testing;
- Determine which type of HIV test your facility will provide;
- Develop educational materials (posters, brochures, handouts)