

Overview of Proposed Revisions

The Department of Health estimates 10 to 20 percent of people infected with human immunodeficiency virus (HIV) in Washington are not aware of it. As a result, they do not seek medical care that can help keep them healthy and extend their lives. An individual that is aware of his or her infection can take necessary steps to protect sex or drug-using partners from becoming infected and decrease the spread of HIV. By not taking appropriate steps, the virus continues to spread. This proposed rule revision will benefit state residents in the following ways:

- Reduce barriers to HIV testing, which will increase the number of residents aware of their HIV status,
- Enhance the health of individuals who are HIV infected, by receiving treatment earlier, and
- Increase patient awareness, which is key in preventing transmission of HIV and reducing the number of new HIV infections.

WAC 246-100-072 *Rules for notification of partners at risk of HIV infection*

This proposed revision:

- Requires the local health officer to attempt to contact the principal health care provider within three days of receiving a report of a case of HIV. The purpose of this contact is to seek input on the best means of conducting a case investigation, including partner services.
 - This change makes the rule consistent with performance measures established in response to Engrossed Second Substitute Bill 5930 (2007). That bill required the Department to develop performance measures linked to new funding for public health at the local level.
- Eliminates the health care provider's option to recommend that the health officer *not meet* with the HIV infected person for the purposes of partner services. It also eliminates the health care provider's option to provide partner services assistance to the HIV infected person themselves.
- Requires the health officer to remind the health care provider of the health officer's responsibility to conduct partner services.
- Requires the health care provider to inform the HIV infected person that the local health officer or authorized representative will contact him or her to assist with notification of partners.

WAC 246-100-207 *HIV testing-Ordering-Laboratory screening-Interpretation-Reporting*

The proposed revision requires any person ordering or prescribing an HIV test for another to obtain the informed consent of the person, separately or as part of the consent for a battery of other routine tests. The person receiving the tests must be specifically informed in writing or verbally that a test for HIV is included. It also requires that the person is offered an opportunity to ask questions and decline testing. If the HIV test is positive or suggestive of HIV infection, the person ordering or prescribing the test must provide the name and locating information of the individual to the local health officer to provide post-test counseling.

This section is also amended to require the local and state health officer to periodically make efforts to inform providers in their jurisdiction about the CDC recommendations. It also states that healthcare providers may obtain a brochure about the CDC recommendations from the Department.

WAC 246-100-208 *Counseling standards-AIDS counseling*

The proposed language amends this section regarding AIDS counseling standards for pregnant women. It requires the health care provider to obtain the informed consent of the pregnant woman, separately or as part of the consent for a battery of other routine tests, provided the woman is specifically informed in writing or verbally that a test for HIV is included. It also requires that the woman is offered an opportunity to ask questions and decline testing. If the woman refuses testing, the health care provider is required to discuss and address the reasons for her refusal. The provider must document in the medical record the refusal of testing and the provision of education on the benefits of testing. If the HIV test is positive or suggestive for HIV infection, the health care provider must provide the name and locating information of the individual to the local health officer for follow-up and reporting as required by 246-100-209.

WAC 246-100-209 *Counseling standards-Human immunodeficiency virus (HIV) pretest counseling-HIV post-test counseling*

The proposed revisions in this section:

- Establish the same standards for HIV pretest counseling as for post-test counseling
- Eliminate the requirement that health care providers and others providing post-test counseling offer an individual counseling session at the time test results are disclosed
- Requires healthcare and other providers to contact local public health to provide post-test counseling

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