

# FAST FACTS

*A message for health care providers*

## CHANGES TO NEW YORK STATE HIV TESTING LAWS

On July 30, 2010, Governor Paterson signed Chapter 308 of the Laws of 2010 authorizing significant changes in HIV testing in New York State. This law was enacted to increase HIV testing in the state and promote HIV positive persons entering into treatment. Implementing this legislation is critical since approximately 20% of HIV positive New Yorkers are unaware of their infection status and 33% of persons newly identified with HIV are diagnosed with AIDS within one year.

**There are several key provisions of the law which include the following:**

- HIV testing must be offered to **all persons between the ages of 13 and 64** receiving hospital or primary care services with limited exceptions noted in the law. The offering must be made to inpatients, persons seeking services in emergency departments, persons receiving primary care as an outpatient at a clinic or from physician, physician assistant, nurse practitioner or midwife.
- Standardized model forms for obtaining informed consent and providing for disclosure will be developed by the NYSDOH and posted on <http://www.health.ny.gov/diseases/aids/forms/>.
- Consent for HIV testing can be part of a general durable consent to medical care, though specific opt out language for HIV testing must be included.
- Consent for rapid HIV testing can be oral and noted in the medical record.
- Prior to being asked to consent to HIV testing, patients must be provided the seven points of information about HIV required by the Public Health Law. (See #16 on the FAQs located at <http://cwcg.mcms.org/Portals/0/Guidelines/NYSDOH%20HIV%20Lt%208.30.10%20Q%20and%20A.pdf>.)
- HIV test requisition forms submitted to laboratories will be simplified.
- Deceased, comatose or persons otherwise incapable of providing consent, and who are the source of an occupational exposure, may now be tested for HIV in certain circumstances without consent.
- Confidential HIV information may be released without a written statement prohibiting re-disclosure when routine disclosures are made to treating providers or to health insurers to obtain payment.
- **Healthcare and other HIV test providers authorizing HIV testing must arrange an appointment for medical care for persons confirmed positive for HIV. See listing of referral sites for HIV specialty care on page 2.**

## Referral Sites for HIV Specialty Care

- **Delivery of HIV test results is a sensitive process. Proper training is highly recommended. For more information or assistance please contact the providers listed below.**

**1. Erie County Medical Center (ECMC) Immunodeficiency Services**

**462 Grider Street  
Buffalo, NY 14215  
716-898-5829**

**Mon - Fri 9:00 am - 4:00 pm**

This program is the NYSDOH AIDS Institute funded Clinical Education Initiative (CEI). Professional clinical staff education is available upon request. Please contact Mary Goodspeed, RN at 898-4713 to schedule trainings.

**2. Evergreen Health Services**

**206 South Elmwood Avenue  
Buffalo, NY 14201  
716-847-0328**

**Mon - Fri 8:30 am - 4:30 pm**

**3. Women and Children's Hospital**

**Women's Clinic (Women 25 years of age and older)**

**239 Bryant Street  
Buffalo, NY 14222  
716-878-7738**

**Youth-Link Program Division of Adolescent Medicine (12 to 24 years of age)**

**219 Bryant Street  
Buffalo, NY 14222  
(716) 878-7381 or (716) 878-1081**

**PACT Program (Birth to 11 years of age)**

**461 William Street  
Buffalo, NY 14204  
716-852-1578 ext. 242  
Mon - Fri 8:30 am - 4:00 pm**

**4. Veterans Administration WNY Healthcare**

**3495 Bailey Ave  
Buffalo, NY 14215  
Infectious Disease: 716-862-8758  
Primary Care Group: 1-866-884-8567; Weekends/evenings TelCare: 1-888-838-7890  
Mon - Fri 8:00 am - 3:30 pm**

These services are for individuals already enrolled in VA services. Individuals not enrolled with the VA should contact the VA regarding available services and enrollment.