

[HIV LAW PROJECT](#)

Saving Lives Requires a Comprehensive Testing Process

(New York, June 27, 2008) – HIV Law Project applauds the initiative of the New York City Department of Health (DOH) to expand HIV testing in the Bronx ("[City is Pushing for H.I.V. Test for All in Bronx](#)," June 26, 2008). Expanding testing will ensure that more people know their status, and that those who test positive are diagnosed early in the course of their illness. However, expanded testing won't save lives unless patients who test positive are connected with on-going care and all those tested receive counseling about risk and prevention.

It is important for health care providers to build and maintain the trust of their patients in order to keep them in care. The manner in which HIV testing is conducted sets the stage for building or eroding this trust.

New York State law provides a legal guarantee of confidential testing as well as pre- and post-test counseling, and requires that a patient provide written informed consent to an HIV test. These protections are as important today as they were in 1988 when the law was passed. An HIV test is not like any other blood test, as an HIV diagnosis can be uniquely isolating and stigmatizing.

Recognizing this, New York requires that health care providers invest a few minutes to ensure that their patients understand the HIV testing procedure and its confidential nature, as well as the basics of risk and prevention. (In fact, this process has been reduced to a form which can substitute for the provider's own words, and is hardly "cumbersome.") DOH Commissioner Dr. Thomas Frieden calls this informed consent law "rigid." We call it patient-centered care.

The DOH views the state's consent law as an obstacle to testing. However, success stories from local testing expansion programs demonstrate that high testing rates can be achieved while still retaining pre-test counseling as well as informed written consent. After widening the use of rapid HIV tests and introducing testing as a part of routine medical care for all patients 13 and older, New York City's Health and Hospitals Corporation more than doubled the number of patients tested for HIV at their facilities from Fiscal Year 2005 to Fiscal Year 2007 (from 62,023 to nearly 134,000).

We should not consider increased testing rates alone to be a success. In honor of National HIV Testing Day (Friday, June 27), we reaffirm our commitment to our clients who want to see HIV testing remain voluntary, informed, confidential, and respectful of patients' rights and concerns. Those who test positive must be connected to on-going care and treatment, and all those tested must be counseled about risk and prevention. A less comprehensive HIV testing process risks alienating too many from the health care system. With these protections and linkages in place, many lives can be saved.

For more information, please contact:

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