

Fundamental principles for HIV testing

A critical step in reducing the transmission of HIV is for people with HIV to know that they are infected. HIV testing must be offered and readily available to anyone who may be at risk. Testing positive for HIV is not only a means of reducing future cases of HIV, it is also the first step in getting life-prolonging health care for people with HIV.

Testing positive has such a profound impact on an individual, both psychologically and socially, that patients must be equal, informed partners in the health care decisions that affect them. For people to agree to engage in HIV testing, they must feel secure that their rights to privacy and confidentiality will not be violated, that they will have access to health care and treatment regardless of the outcome of the test, and that they will be able to disclose their HIV status with relative safety.

The following principles seek to achieve the CDC's goals of expanding HIV testing, while protecting the rights of all patients:

- 1. Health-care providers should offer HIV testing to all patients, consistent with sound professional judgment.** Offering the test to all patients will reduce the stigma of being targeted for testing on the basis of the patient's identifiable risk factors or on the basis of demographic factors.
- 2. Barriers to HIV testing should be removed.** Specifically, lengthy pre-test risk assessment questionnaires and referrals to specialized HIV informed consent counselors should not be used where they impede access to routine testing.
- 3. Informed consent is a hallmark of the ethical practice of medicine and must be protected.** The best way to provide and document informed consent is through a consent form signed by the patient. A general medical consent which includes an explicit consent to HIV testing, as opposed to a separate HIV consent form, can be used. The form must contain a signature line to prove the consent was voluntarily and knowingly given. Absent extraordinary circumstances, nonconsensual HIV testing is an abuse of the physician-patient relationship. As HIV prevention depends upon HIV-positive individuals to change their behavior to prevent transmission, involuntary testing or testing under duress is not only unethical but also counterproductive from a patient care and public health viewpoint.

- 4. Sufficient pre-testing counseling information must be provided so that the patient can make an informed decision.** The information may be in written format as long as those who are offered a test understand the nature of testing, what test results mean, and the implications of a positive or negative result. Counseling and prevention education must also be readily available.

In the health care setting, appropriate counseling may best be accomplished through collaborative arrangements with qualified AIDS service and community organizations, which also are well-equipped to provide case management and referral services

- 5. Testing and treatment protocols should be based on the standard of care.** For instance, pregnant women should be offered HIV testing as early as possible during pregnancy and should be reoffered during the third trimester, as well as during labor for women who have not been previously tested. Treatment protocols for pregnant women should include provision of antiretroviral medications pre-natal, during delivery and post-partum.
- 6. People who test positive for HIV must be linked to care.** HIV screening without such linkage to prevention and care confers little or no benefit to the patient.
- 7. HIV screening, including the HIV antibody test and confirmatory testing, must be defined as a routine part of preventive medical care.** Screening will be covered by private and/or government health insurance if it is determined to be routine preventative care.
- 8. Confidentiality, as required by Pennsylvania law, must be maintained at all times.**

The Following Organizations Endorse These Principles:

AIDS Law Project of Pennsylvania

Family Planning Council of Southeastern Pennsylvania

Women's Law Project

American Civil Liberties Union of Pennsylvania

ACT UP Philadelphia

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