State of California—Health and Human Services Agency
California Department of Public Health

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TO: ALL INTERESTED PARTIES

SUBJECT: RECENT PASSAGE OF ASSEMBLY BILL 682: PROVIDING FOR HIV TESTING IN MEDICAL SETTINGS WITHOUT WRITTEN CONSENT

The California Department of Public Health, Office of AIDS (CDPH/OA) is pleased to announce the passage of Assembly Bill (AB) 682 (Berg, Statutes of 2007). With the implementation of this legislation on January 1, 2008, California health care providers can adopt many of the major recommendations of the Centers for Disease Control and Prevention (CDC) in the September 2006 document *Revised Recommendation for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings*.

AB 682 eliminates the requirement that health care providers obtain a patient's written consent before they order an HIV test for the patient. Instead of written consent, AB 682 requires health care providers to do the following before they order an HIV test:

1) inform the patient that an HIV test is planned;
2) provide information about the HIV test;
3) inform the patient that numerous treatment options are available for patients who may test positive for HIV;
4) advise the patient that routine HIV testing is recommended for patients who test negative for HIV;
5) advise the patient that they have the right to decline the HIV test; and
6) if the patient declines the HIV test, note that fact in the patient's medical file.

Health education materials with the required information will be available through CDPH/OA's Web site in English and Spanish in February 2008 at www.cdph.ca.gov/pubsforms/forms/Pages/AIDS.aspx. Materials in the 11 other Medi-Cal languages will be available by April 2008.

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CDPH and CDC expect that eliminating the written consent barrier will increase HIV testing in medical settings. This change will facilitate the important goal of making sure every Californian knows their HIV status and receives the care and treatment necessary to maintain their health and decrease further HIV transmission.

If you have questions about AB 682, CDPH/OA can assist you in the implementation of this important law. Please contact Brian Lew, of my staff, at Brian.Lew@cdph.ca.gov or (916) 449-5812 if you have additional questions regarding HIV testing in health care settings.

Michelle Roland, MD, Chief
Office of AIDS