



Adopted in House Comm. on Jan 19, 2006

09400HB4306ham003

LRB094 16161 LJB 54465 a

1 AMENDMENT TO HOUSE BILL 4306

2 AMENDMENT NO. _____. Amend House Bill 4306, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Perinatal HIV Prevention Act is amended by
6 changing Section 10 and by adding Sections 15, 20, and 25 as
7 follows:

8 (410 ILCS 335/10)

9 Sec. 10. HIV counseling and offer of HIV testing required.

10 (a) Every health care professional who provides health care
11 services to a pregnant woman shall provide the woman with HIV
12 counseling and offer HIV testing, unless she has already
13 received an HIV test during pregnancy. HIV testing shall be
14 provided with the woman's consent. A health care professional
15 shall provide the counseling and offer the testing as early in
16 the woman's pregnancy as possible. For women at continued risk
17 of exposure to HIV infection in the judgment of the health care
18 professional, a repeat test should be offered late in
19 pregnancy. The counseling and offer of testing shall be
20 documented in the woman's medical record.

21 (b) Every health care professional or facility that cares
22 for a pregnant woman during labor or delivery shall provide the
23 woman with HIV counseling and offer HIV testing. HIV testing
24 shall be provided with the woman's consent. No counseling or

1 offer of testing is required if already provided during the
2 woman's pregnancy. The counseling and offer of testing shall be
3 documented in the woman's medical record. Any testing or test
4 results shall be documented in accordance with the AIDS
5 Confidentiality Act.

6 (c) Every health care professional or facility caring for a
7 newborn infant shall, upon delivery or as soon as possible
8 within medical standards ~~48 hours~~ after the infant's birth,
9 provide counseling to the parent or guardian of the infant and
10 perform HIV testing, when the HIV status of the infant's mother
11 is unknown, ~~if the parent or guardian does not refuse. The~~
12 ~~health care professional or facility shall document in the~~
13 ~~woman's medical record that counseling and the offer of testing~~
14 ~~were given, and that no written refusal was given.~~

15 (d) The counseling required under this Section must be
16 provided in accordance with the AIDS Confidentiality Act and
17 must include the following:

18 (1) For a pregnant woman, the voluntary nature of the
19 testing and the ~~The~~ benefits of HIV testing, ~~for the~~
20 ~~pregnant woman,~~ including the prevention of transmission.

21 (2) The benefit of HIV testing for the newborn infant,
22 including interventions to prevent HIV transmission.

23 (3) The side effects of interventions to prevent HIV
24 transmission.

25 (4) The statutory confidentiality provisions that
26 relate to HIV and acquired immune deficiency syndrome
27 ("AIDS") testing.

28 ~~(5) The voluntary nature of the testing, including the~~
29 ~~opportunity to refuse testing of a newborn infant in~~
30 ~~writing.~~

31 (e) All counseling and testing must be performed in
32 accordance with the standards set forth in the AIDS
33 Confidentiality Act, with the exception of the requirement of
34 consent for testing of newborn infants. Consent for testing of

1 a newborn infant shall be presumed when a health care
2 professional or health care facility seeks to perform a test on
3 a newborn infant whose mother's HIV status is not known,
4 provided that the counseling required under subsection (d) has
5 taken place ~~and the newborn infant's parent or guardian has not~~
6 ~~indicated in writing that he or she refuses to allow the~~
7 ~~newborn infant to receive HIV testing.~~

8 (f) The Illinois Department of Public Health shall adopt
9 necessary rules to implement this Act.

10 (Source: P.A. 93-566, eff. 8-20-03.)

11 (410 ILCS 335/15 new)

12 Sec. 15. Reporting.

13 (a) A positive HIV test for a newborn infant shall be
14 reported to an electronic surveillance system established by
15 the Department of Public Health within the time period and in
16 the manner required by the Department, but in no case shall the
17 time period exceed 48 hours. Section 15 of the AIDS
18 Confidentiality Act applies to reporting under this Act.

19 (b) The Department of Public Health shall adopt rules
20 specifying the information required in reporting the positive
21 HIV test of a newborn infant. In adopting the rules, the
22 Department shall consider the need for information,
23 protections for the privacy and confidentiality of the infant
24 and mother, and the need to provide access to care and
25 follow-up services to the infant and the mother.

26 (c) The confidentiality provisions of the AIDS
27 Confidentiality Act shall apply to the reports of cases of
28 perinatal HIV made pursuant to this Section.

29 (d) The Department of Public Health or its authorized
30 representative shall provide case management services to the
31 parent or guardian of the newborn infant, the facility, or the
32 physician or health care professional responsible for care of
33 the newborn infant to ensure access to treatment and care and

1 other services as appropriate.

2 (410 ILCS 335/20 new)

3 Sec. 20. Treatment information. When an HIV test performed
4 under this Act shows that the newborn infant is HIV exposed,
5 the health professional or health facility caring for the
6 newborn infant shall inform the infant's parents or guardian of
7 the importance of obtaining timely treatment for the infant, in
8 order to prevent the newborn from becoming HIV infected. The
9 Illinois Department of Public Health shall provide to health
10 professionals and health facilities written information that
11 may be used to satisfy their obligation under this Section.

12 (410 ILCS 335/25 new)

13 Sec. 25. Objections of parent or guardian to test. The
14 provisions of this Act shall not apply when a parent or
15 guardian of a child objects thereto on the grounds that the
16 test conflicts with his or her religious tenets and practices.
17 A written statement of the objection shall be presented to the
18 physician or other person whose duty it is to administer and
19 report the tests under the provisions of this Act.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.".