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LRB095 07327 MJR 33808 a

1 AMENDMENT TO HOUSE BILL 1286

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1286 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Civil Administrative Code of Illinois is  
5 amended by adding Section 2310-317 as follows:

6 (20 ILCS 2310/2310-317 new)

7 Sec. 2310-317. Program to diagnose and link to care  
8 individuals who are undiagnosed with HIV.

9 (a) The Department shall develop a program to identify in  
10 health care facilities individuals who are infected with HIV  
11 but unaware of their infection. The program shall promote early  
12 diagnosis of HIV infection to engage individuals in medical  
13 treatment. Individuals shall also be informed of the need for  
14 treatment for HIV and offered referrals to medical care for  
15 their HIV infection. The program shall aim to reduce stigma  
16 related to HIV testing and ethnic and racial disparities in the

1 diagnosis of HIV.

2 (b) The Department shall target activities under this  
3 Section towards increasing voluntary HIV testing in health care  
4 facilities such as hospitals, federally qualified health  
5 centers, or clinics operated by a unit of local or county  
6 government or a local health department. Health facilities  
7 targeted shall serve populations at high risk for HIV as  
8 determined by the Department based on such factors as HIV and  
9 AIDS epidemiological data and rates of uninsurance. Activities  
10 shall target geographic areas with concentrations of  
11 individuals living with known HIV infection as determined by  
12 the Department based on statewide HIV and AIDS epidemiological  
13 data.

14 (c) The Department shall make grants to expand voluntary  
15 HIV testing in health facilities described in subsection (b) of  
16 this Section. Grants may be used for the following purposes:  
17 rapid HIV test kits, other HIV testing diagnostics, clinical  
18 and social service staff necessary to conduct testing,  
19 administration, evaluation, training, material development,  
20 and other activities related to the expansion of voluntary HIV  
21 testing in health care facilities.

22 (d) The Department shall provide training and technical  
23 assistance to health care facilities described in subsection  
24 (b) of this Section that is available to all health care  
25 facilities and health care providers. The goals of the  
26 activities shall be to (i) increase the number of people

1 offered testing in health care facilities; (ii) increase the  
2 number of cases of HIV diagnosed in health care facilities; and  
3 (iii) increase the number of HIV-positive people linked to  
4 medical care and other appropriate services for treatment of  
5 their HIV infection. Activities shall include but are not  
6 limited to:

7 (1) developing training for health care providers,  
8 including health care providers who offer primary medical  
9 care for adolescents and adults;

10 (2) providing technical assistance for health care  
11 facilities, including developing procedures for referring  
12 HIV positive individuals to medical care and social  
13 services related to their HIV diagnosis;

14 (3) developing and disseminating written, video,  
15 electronic, and other materials containing information  
16 required when conducting HIV testing as described in the  
17 AIDS Confidentiality Act;

18 (4) developing and disseminating model HIV testing  
19 consent forms that contain a written consent for general  
20 medical treatment and a written informed consent for HIV  
21 testing;

22 (5) developing and disseminating materials including  
23 model scripts that health care providers may use to conduct  
24 HIV testing and deliver test results, including brief HIV  
25 prevention information for HIV-negative individuals; and

26 (6) research to evaluate the effectiveness of such

1       grants in identifying individuals with undiagnosed HIV  
2       infection.

3       The Department shall collaborate with organizations  
4       representing health care facilities and health care providers  
5       to develop the program and disseminate information about  
6       effective programs to identify individuals with undiagnosed  
7       HIV infection. All materials developed under this Section shall  
8       be culturally appropriate to the ethnic and racial groups  
9       targeted for HIV testing and available in the 3 languages most  
10       commonly spoken in this State and alternative formats for  
11       individuals with disabilities.

12       (e) Implementation of this Section is subject to  
13       appropriation.

14       Section 10. The AIDS Confidentiality Act is amended by  
15       changing Section 3 and by adding Section 9.5 as follows:

16       (410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)

17       Sec. 3. When used in this Act:

18       (a) "Department" means the Illinois Department of Public  
19       Health.

20       (b) "AIDS" means acquired immunodeficiency syndrome.

21       (c) "HIV" means the Human Immunodeficiency Virus or any  
22       other identified causative agent of AIDS.

23       (d) "Written informed consent" means an agreement in  
24       writing executed by the subject of a test or the subject's

1 legally authorized representative without undue inducement or  
2 any element of force, fraud, deceit, duress or other form of  
3 constraint or coercion, which entails at least the following:

4 (1) a fair explanation of the test, including its purpose,  
5 potential uses, limitations and the meaning of its results; and

6 (2) a fair explanation of the procedures to be followed,  
7 including the voluntary nature of the test, the right to  
8 withdraw consent to the testing process at any time, the right  
9 to anonymity to the extent provided by law with respect to  
10 participation in the test and disclosure of test results, and  
11 the right to confidential treatment of information identifying  
12 the subject of the test and the results of the test, to the  
13 extent provided by law.

14 Information may be provided in writing, verbally, or by  
15 video, electronic, or other means that is easily understandable  
16 by the subject. The subject must be offered an opportunity to  
17 ask questions about the HIV test and decline testing. Nothing  
18 in this Act shall prohibit a health care provider from  
19 combining the form used to obtain written informed consent for  
20 HIV testing with forms used to obtain written consent for  
21 general medical care or any other medical test or procedure  
22 provided that the forms make it clear that the subject may  
23 consent to general medical care, test, or medical procedure  
24 without being required to consent to HIV testing.

25 (e) "Health facility" means a hospital, nursing home, blood  
26 bank, blood center, sperm bank, or other health care

1 institution, including any "health facility" as that term is  
2 defined in the Illinois Finance Authority Act.

3 (f) "Health care provider" means any health care  
4 professional, nurse, paramedic, psychologist or other person  
5 providing medical, nursing, psychological, or other health  
6 care services of any kind.

7 (f-5) "Health care professional" means (i) a licensed  
8 physician, (ii) a physician assistant to whom the physician  
9 assistant's supervising physician has delegated the provision  
10 of AIDS and HIV-related health services, (iii) an advanced  
11 practice registered nurse who has a written collaborative  
12 agreement with a collaborating physician which authorizes the  
13 provision of AIDS and HIV-related health services, (iv) a  
14 licensed dentist, (v) a licensed podiatrist, or (vi) an  
15 individual certified to provide HIV testing and counseling by a  
16 state or local public health department.

17 (g) "Test" or "HIV test" means a test to determine the  
18 presence of the antibody or antigen to HIV, or of HIV  
19 infection.

20 (h) "Person" includes any natural person, partnership,  
21 association, joint venture, trust, governmental entity, public  
22 or private corporation, health facility or other legal entity.

23 (Source: P.A. 93-205, eff. 1-1-04; 93-482, eff. 8-8-03; revised  
24 9-12-03.)

25 (410 ILCS 305/9.5 new)

1       Sec. 9.5. Delivery of test results.

2       (a) The subject of the test or the subject's legally  
3 authorized representative may be notified of the results of a  
4 negative HIV test in writing, by telephone, or by any other  
5 means that maintains the confidentiality of the test result as  
6 set forth in Section 9 of this Act.

7       (b) The subject of the test or the subject's legally  
8 authorized representative shall be notified by personal  
9 contact whenever possible of the indeterminate result of an HIV  
10 test and the need for repeat testing.

11       If the subject is known to be at high risk of HIV infection  
12 and the subject has negative or indeterminate test results, the  
13 subject or the subject's legally authorized representative  
14 shall be advised of the need for repeat testing and offered  
15 counseling to prevent HIV infection or offered a referral to  
16 counseling to prevent HIV infection.

17       (c) The subject of the test or the subject's legally  
18 authorized representative shall be notified by personal  
19 contact whenever possible of the positive or preliminary  
20 positive result of an HIV test. When the subject or the  
21 subject's legally authorized representative is notified of a  
22 positive or preliminary positive test result, the health care  
23 provider or professional shall provide the subject or the  
24 subject's legally authorized representative with a referral to  
25 counseling in connection with the positive or preliminary  
26 positive test result and a referral to an appropriate medical

1 facility for the treatment and management of HIV.

2 (d) A health care provider shall not be in violation of  
3 this Section when an attempt to contact the test subject or the  
4 subject's legally authorized representative at the address or  
5 telephone number provided by the test subject or the test  
6 subject's legally authorized representative does not result in  
7 contact and notification or where an attempt to deliver results  
8 by person contact has not been successful.

9 (e) The Department of Public Health may exempt from this  
10 Section alternative blood test services provided for under  
11 Section 2310-315 of the Civil Administrative Code of Illinois.

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.".