

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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
17 diagnosis of HIV.

18 (b) The Department shall target activities under this
19 Section towards increasing voluntary HIV testing in health care
20 facilities such as hospitals, federally qualified health
21 centers, or clinics operated by a unit of local or county
22 government or a local health department. Health facilities
23 targeted shall serve populations at high risk for HIV as

1 determined by the Department based on such factors as HIV and
2 AIDS epidemiological data and rates of uninsurance. Activities
3 shall target geographic areas with concentrations of
4 individuals living with known HIV infection as determined by
5 the Department based on statewide HIV and AIDS epidemiological
6 data.

7 (c) The Department shall make grants to expand voluntary
8 HIV testing in health facilities described in subsection (b) of
9 this Section. Grants may be used for the following purposes:
10 rapid HIV test kits, other HIV testing diagnostics, clinical
11 and social service staff necessary to conduct testing,
12 administration, evaluation, training, material development,
13 and other activities related to the expansion of voluntary HIV
14 testing in health care facilities.

15 (d) The Department shall provide training and technical
16 assistance to health care facilities described in subsection
17 (b) of this Section that is available to all health care
18 facilities and health care providers. The goals of the
19 activities shall be to; (i) increase the number of people
20 offered testing in health care facilities; (ii) increase the
21 number of cases of HIV diagnosed in health care facilities; and
22 (iii) increase the number of HIV-positive people linked to
23 medical care and other appropriate services for treatment of
24 their HIV infection. Activities shall include but are not
25 limited to:

26 (1) developing training for health care providers,

1 including health care providers who offer primary medical
2 care for adolescents and adults;

3 (2) providing technical assistance for health care
4 facilities, including developing procedures for referring
5 HIV positive individuals to medical care and social
6 services related to their HIV diagnosis;

7 (3) developing and disseminating written, video,
8 electronic, and other materials containing information
9 required when conducting HIV testing as described in the
10 AIDS Confidentiality Act;

11 (4) developing and disseminating model HIV testing
12 consent forms that contain a written consent for general
13 medical treatment and a written informed consent for HIV
14 testing;

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

19 (6) research to evaluate the effectiveness of such
20 grants in identifying individuals with undiagnosed HIV
21 infection.

22 The Department shall collaborate with organizations
23 representing health care facilities and health care providers
24 to develop the program and disseminate information about
25 effective programs to identify individuals with undiagnosed
26 HIV infection. All materials developed under this Section shall

1 be culturally appropriate to the ethnic and racial groups
2 targeted for HIV testing and available in the 3 languages most
3 commonly spoken in this State and alternative formats for
4 individuals with disabilities.

5 (e) Implementation of this Section is subject to
6 appropriation.

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

9 (410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)

10 Sec. 3. When used in this Act:

11 (a) "Department" means the Illinois Department of Public
12 Health.

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

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

16 (d) "Written informed consent" means an agreement in
17 writing executed by the subject of a test or the subject's
18 legally authorized representative without undue inducement or
19 any element of force, fraud, deceit, duress or other form of
20 constraint or coercion, which entails at least the following:

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

23 (2) a fair explanation of the procedures to be followed,
24 including the voluntary nature of the test, the right to

1 withdraw consent to the testing process at any time, the right
2 to anonymity to the extent provided by law with respect to
3 participation in the test and disclosure of test results, and
4 the right to confidential treatment of information identifying
5 the subject of the test and the results of the test, to the
6 extent provided by law.

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

18 (e) "Health facility" means a hospital, nursing home, blood
19 bank, blood center, sperm bank, or other health care
20 institution, including any "health facility" as that term is
21 defined in the Illinois Finance Authority Act.

22 (f) "Health care provider" means any health care
23 professional, nurse, paramedic, psychologist or other person
24 providing medical, nursing, psychological, or other health
25 care services of any kind.

26 (f-5) "Health care professional" means (i) a licensed

1 physician, (ii) a physician assistant to whom the physician
2 assistant's supervising physician has delegated the provision
3 of AIDS and HIV-related health services, (iii) an advanced
4 practice registered nurse who has a written collaborative
5 agreement with a collaborating physician which authorizes the
6 provision of AIDS and HIV-related health services, (iv) a
7 licensed dentist, (v) a licensed podiatrist, or (vi) an
8 individual certified to provide HIV testing and counseling by a
9 state or local public health department.

10 (g) "Test" or "HIV test" means a test to determine the
11 presence of the antibody or antigen to HIV, or of HIV
12 infection.

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

16 (Source: P.A. 93-205, eff. 1-1-04; 93-482, eff. 8-8-03; revised
17 9-12-03.)

18 (410 ILCS 305/9.5 new)

19 Sec. 9.5. Delivery of test results.

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

25 (b) The subject of the test or the subject's legally

1 authorized representative shall be notified by personal
2 contact whenever possible of the indeterminate result of an HIV
3 test and the need for repeat testing.

4 If the subject is known to be at high risk of HIV infection
5 and the subject has negative or indeterminate test results, the
6 subject or the subject's legally authorized representative
7 shall be advised of the need for repeat testing and offered
8 counseling to prevent HIV infection or offered a referral to
9 counseling to prevent HIV infection.

10 (c) The subject of the test or the subject's legally
11 authorized representative shall be notified by personal
12 contact whenever possible of the positive or preliminary
13 positive result of an HIV test. When the subject or the
14 subject's legally authorized representative is notified of a
15 positive or preliminary positive test result, the health care
16 provider or professional shall provide the subject or the
17 subject's legally authorized representative with a referral to
18 counseling in connection with the positive or preliminary
19 positive test result and a referral to an appropriate medical
20 facility for the treatment and management of HIV.

21 (d) A health care provider shall not be in violation of
22 this Section when an attempt to contact the test subject or the
23 subject's legally authorized representative at the address or
24 telephone number provided by the test subject or the test
25 subject's legally authorized representative does not result in
26 contact and notification or where an attempt to deliver results

1 by person contact has not been successful.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.