



Indiana State
Department of Health
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Mitchell E. Daniels, Jr.
Governor

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State Health Commissioner

DATE: September 1, 2011

TO: Executive Board, Indiana State Department of Health

FROM: James F. Howell, DVM, MPH, DACVPM 
Assistant Commissioner, Public Health Surveillance & Preparedness

RE: Preliminary Adoption of Amendments to Rule 410 IAC 1 (LSA Doc. #11-458)

The Indiana State Department of Health (ISDH), HIV/STD/Viral Hepatitis Division, requests the Executive Board, at the Board's September 14, 2011 meeting, to preliminarily adopt amendments to 410 IAC 1-6, Offering of Human Immunodeficiency Virus Information and Counseling and Human Immunodeficiency Virus Testing, and 410 IAC 1-7 HIV Counseling and Testing of Pregnant Women. The Notice of Intent to Adopt a Rule was posted on the Indiana Register website on August 17, 2011 starting the one-year period in which to adopt this rule. The proposed rule is attached.

Senate Enrolled Act No. 581 (Public Law 112-2011) amended IC 16-14-6-8(i)(1) to state that a physician or an advanced practice nurse shall document the oral or written consent of the pregnant woman to be tested and that the pregnant woman was counseled as to the purpose of the test and the risks and benefits of the test; that the physician or advanced practice nurse is required by law to order an HIV test; and that the pregnant woman has a right to refuse the test. This changes the law; a physician or an advanced practice nurse no longer needs to obtain a statement signed by the pregnant woman that the pregnant woman received the above mentioned information.

The proposed rule incorporates the changes to IC 16-41-6-8(i)(1). The proposed rule also clarifies definitions; the information and counseling given to a pregnant patient; reasons for not offering a HIV test to a pregnant patient; and provider's responsibilities to a pregnant patient. The proposed rule also adds the rapid test; information that must be included on the confidential part of each birth certificate; and newborn testing in the event of maternal refusal. Therefore, the Division proposes preliminary adoption of this amendment.

Attachment: Proposed rule