

## Readoption Review

### **Offering of Human Immunodeficiency Virus Information and Counseling and Human Immunodeficiency Virus Testing 410 IAC 1-6**

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would minimize the economic impact of the proposed rule on small business.

#### **Description of Rule:**

The Indiana State Department of Health (ISDH) has the responsibility of reducing the number of new HIV infections in the state. IC 16-41-6-11 requires ISDH to adopt rules that include procedures for prenatal care providers to deliver information and counseling to pregnant women regarding modes of HIV transmission, risk reduction, and appropriate referral information. Rules must also describe the reasons for not offering testing. Counseling must include a discussion of the purpose, risks, and voluntary nature of testing. Documentation of the counseling and testing is required. On July 15, 2005, the ISDH readopted 410 IAC 1-6 to establish the Offering of Human Immunodeficiency Virus Information and Counseling and Human Immunodeficiency Virus Testing. In accordance with IC 4-22-2.5, 410 IAC 1-6 must be readopted to remain in effect.

#### **Readoption Analysis:**

**1) Is there a continued need for this rule?**

IC 16-41-6-11 requires ISDH to establish procedures for counseling and testing pregnant women for HIV disease. It outlines standards for educating pregnant women of the risks and of risk reduction. This statute remains in effect; therefore, there remains a need for 410 IAC 1-6.

**2) What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?**

Since the effective date, the Division of HIV/STD has not received any complaints or comments from the public, including small business, concerning the rule or the implementation of the rule by the agency.

**3) Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small businesses in complying with the rule.**

No complaints or comments have been received from the regulated entities about this rule or the implementation of it and ISDH is not aware of any difficulties in administration of or compliance with this rule.

**4) To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulations, or ordinances?**

This rule does not overlap, duplicate, or conflict with any other federal, state, or local laws, rules, regulations, or ordinances.

**5) When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?**

The rule was readopted on July 15, 2005.