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# SENATE BILL No. 581

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-41-6-8.

**Synopsis:** Perinatal HIV testing. Requires oral or written consent by a pregnant woman to have HIV testing to be documented in the pregnant woman's medical chart instead of requiring a written statement of consent. Allows a pregnant woman who refuses an HIV test to refuse either orally or in writing (current law requires that the refusal be in writing).

**Effective:** July 1, 2011.

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**Becker**

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January 20, 2011, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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## SENATE BILL No. 581



A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 16-41-6-8 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8. (a) This section
- 3 applies to a physician or an advanced practice nurse who orders an HIV
- 4 test under section 5 or 6 of this chapter or to the physician's or nurse's
- 5 designee.
- 6 (b) An individual described in subsection (a) shall:
- 7 (1) inform the pregnant woman that:
- 8 (A) the individual is required by law to order an HIV test
- 9 unless the pregnant woman refuses; and
- 10 (B) the pregnant woman has a right to refuse the test; and
- 11 (2) explain to the pregnant woman:
- 12 (A) the purpose of the test; and
- 13 (B) the risks and benefits of the test.
- 14 (c) An individual described in subsection (a) shall document in the
- 15 pregnant woman's medical records that the pregnant woman received
- 16 the information required under subsection (b).
- 17 (d) If a pregnant woman refuses to consent to an HIV test, the



- 1 refusal must be noted **by an individual described in subsection (a)** in  
 2 the pregnant woman's medical records.
- 3 (e) If a test ordered under section 5 or 6 of this chapter is positive,  
 4 an individual described in subsection (a):
- 5 (1) shall inform the pregnant woman of the test results;
  - 6 (2) shall inform the pregnant woman of the treatment options or  
 7 referral options available to the pregnant woman; and
  - 8 (3) shall:
    - 9 (A) provide the pregnant woman with a description of the  
 10 methods of HIV transmission;
    - 11 (B) discuss risk reduction behavior modifications with the  
 12 pregnant woman, including methods to reduce the risk of  
 13 perinatal HIV transmission and HIV transmission through  
 14 breast milk; and
    - 15 (C) provide the pregnant woman with referral information to  
 16 other HIV prevention, health care, and psychosocial services.
- 17 (f) The provisions of IC 16-41-2-3 apply to a positive HIV test under  
 18 section 5 or 6 of this chapter.
- 19 (g) The results of a test performed under section 5 or 6 of this  
 20 chapter are confidential.
- 21 (h) As a routine component of prenatal care, every individual  
 22 described in subsection (a) is required to provide information and  
 23 counseling regarding HIV and the standard licensed diagnostic test for  
 24 HIV and to offer and recommend the standard licensed diagnostic test  
 25 for HIV.
- 26 (i) An individual described in subsection (a) shall: ~~obtain a~~  
 27 ~~statement, signed by the pregnant woman, acknowledging that~~  
 28 **(1) document the oral or written consent of the pregnant**  
 29 **woman to be tested in the woman's medical records; and**  
 30 **(2) document that** the pregnant woman was counseled and  
 31 provided the required information set forth in subsection (b) to  
 32 ensure that an informed decision has been made.
- 33 (j) A pregnant woman who refuses a test under this section ~~must~~  
 34 **may do so orally or** in writing.

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