A Quick Reference Listing for Clinicians and Health care Professionals to State HIV Testing Laws

This Quick Reference Listing for clinicians and health care professionals is a summary of relevant state HIV testing laws. Please refer to your individual state link for updates that may have occurred since this listing as of February 4, 2011.

**Alabama**

**Informed Consent**
- Informed consent required: general consent may be used (see State Policies Relating to HIV Testing, 2011, in the individual state profile). Compatible with CDC Recommendations and Guidelines.

**Counseling**
- Post-test counseling is required with HIV positive test results.

**Provisos of Testing**
- Anonymous - no specific provisions regarding anonymous testing were found.
- Rapid - rapid testing may be used on pregnant women presenting to labor and delivery. A confirmatory test is required before notifying the patient of HIV test results.
- Routine - no specific provisions regarding routine testing were found.

**Disclosure**
- Notification to sexual partners of a possible exposure to HIV is required.

**Minor/Adolescent Testing**
- Persons 12 years of age or older may consent to STD testing, HIV not explicitly included.

**Recommended Resources**

**Alaska**

**Informed Consent**
- No specific provisions regarding informed consent were found.

**Counseling**
- Post-test counseling (regarding measures for preventing transmission and the need for treatment) is required for individuals who have been or may have been exposed.

**Provisos of Testing**
- Anonymous - no specific provisions regarding anonymous testing were found.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

**Disclosure**
- No specific provisions regarding the notification of partners or contacts were found.

**Minor/Adolescent Testing**
- Minors may consent to medical services, HIV not explicitly included.

**Recommended Resources**
- Alaska Legislature - [http://www.legis.state.ak.us/folhome.htm](http://www.legis.state.ak.us/folhome.htm)
Arizona

Informed Consent
Oral or written informed consent is required; opt-out process is implied; compatible with CDC Recommendations and Guidelines.

Counseling
No specific provisions regarding counseling were found.

Provisos of Testing
• Anonymous - consent form must inform patient of availability of anonymous testing. Anonymous testing is available at designated anonymous testing sites.
• Rapid - no specific provisions regarding rapid testing were found.
• Routine - no specific provisions regarding routine testing were found.

Disclosure
Notification to sexual partners and needle-sharing partners of possible exposure to HIV to required.

Minor/Adolescent Testing
Minors may consent to STD testing, HIV not explicitly included.

Recommended Resources
Arizona Revised Statutes - http://www.azleg.state.az.us/AirizonaRevisedStatutes.htm

Arkansas

Informed Consent
Informed consent is not required for diagnosis (see State Policies Relating to HIV Testing, 2011, in the individual state profile). Informed consent is not specified for screening. Compatible with CDC Recommendations and Guidelines.

Counseling
Counseling must be offered in cases of health care worker exposure.

Provisos of Testing
• Anonymous - no specific provisions regarding anonymous testing were found.
• Rapid - no specific provisions regarding rapid testing were found.
• Routine - no specific provisions regarding routine testing were found.

Disclosure
Notification to sexual partners of possible exposure to HIV is required.

Minor/Adolescent Testing
Minors may consent to STD testing, HIV not explicitly included.

Recommended Resources
Arkansas Department of Health - http://www.healthyarkansas.com
Informed Consent
Specific simple consent through the opt-out process required (see State Policies Relating to HIV Testing, 2011, for exceptions); written not required. Consistent with CDC Recommendations and Guidelines.

Counseling
Counseling must be offered to a patient with a confirmed HIV positive test. Counseling must be offered to notified partners and contacts.

Provisos of Testing
- Anonymous - testing must be made anonymously. Anonymous testing is available at designated anonymous testing sites.
- Rapid - HIV counselors may perform an HIV test if authorized under a physician/surgeon, trained, and meets other requirements (see State Policies Relating to HIV Testing 2011). Patients must be informed that the preliminary result of the test is indicative of the likelihood of HIV infection and that the result must be confirmed by an additional more specific test, or, if approved by the CDC, a second different rapid HIV test.
- Routine - as part of consent, a medical provider must inform the patient that in cases of negative results, routine testing is advised.

Disclosure
Notification to sexual partners and needle-sharing partners of possible exposure to HIV is required.

Minor/Adolescent Testing
Persons 12 years of age or older may consent to HIV testing and treatment.

Recommended Resources
California Legislative Information - http://www.leginfo.ca.gov

Colorado

Informed Consent
Informed consent is required (see State Policies Relating to HIV Testing, 2011, in the individual state profile, for exceptions); oral or written not specified. Opt-in or opt-out process not specified. Compatible with CDC Recommendations and Guidelines.

Counseling
Post-test counseling is required with HIV positive test results. Counseling must be offered in cases of health care worker exposure.

Provisos of Testing
- Anonymous - testing must be made available anonymously. Anonymous testing is available at designated anonymous testing sites.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners or contact were found.

Minor/Adolescent Testing
Minors may consent to HIV testing and treatment. Physicians may, but are not required to, notify parents of the HIV test result.

Recommended Resources
Colorado Revised Statutes - http://www2.michie.com/colorado/lpext.dll?f=templates&fn=fs-main.htm&2.0
**Connecticut**

**Informed Consent**
- General consent for medical care is sufficient; declination must be documented in the medical record (see State Policies Relating to HIV Testing, 2011, for exceptions).

**Counseling**
- Post-test counseling or referral for counseling as needed.

**Provisos of Testing**
- Anonymous - consent form must inform patient of the availability of anonymous testing.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

**Disclosure**
- Notification to sexual partners is not required.

**Minor/Adolescent Testing**
- Minors may consent to HIV testing.

**Recommended Resources**

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**Delaware**

**Informed Consent**
- Specific informed consent required; may be oral or in writing.

**Counseling**
- No specific provisions regarding counseling were found.

**Provisos of Testing**
- Anonymous - no specific provisions regarding anonymous testing were found.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

**Disclosure**
- Notification to sexual and needle-sharing partners of possible exposure to HIV is required.

**Minor/Adolescent Testing**
- Persons 12 years of age or older may consent to HIV testing and treatment.

**Recommended Resources**
- Delaware Administrative Code - http://www.state.de.us/research/AdminCode/
**District of Columbia**

Informed Consent
No specific provisions regarding informed consent were found.

Counseling
No specific provisions regarding counseling were found.

Provisos of Testing
- Anonymous - testing must be made available anonymously. Anonymous testing is available at designated anonymous testing sites.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding disclosure were found.

Minor/Adolescent Testing
No specific provisions regarding minor or adolescent testing were found.

Recommended Resources
DC Department of Health, HIV/AIDS Administration - http://doh.dc.gov/doh/cwp/view,a,1371,q,573205,dohNAV_GID,1802,dohNav,[33200|34259].asp

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**Florida**

Informed Consent
Informed consent required; may be oral or in writing.

Counseling
Counseling must be offered.

Provisos of Testing
- Anonymous - testing must be made available anonymous. Physicians must inform patients of availability of anonymous testing.
- Rapid - a confirmatory test is required before notifying the patient of HIV test results.
- Routine - protocols must be made available by the Department of health care providers for offering HIV testing, on a voluntary basis, as a routine part of primary health care or admission to a health care facility.

Disclosure
No specific provisions regarding disclosure were found.

Minor/Adolescent Testing
Minors may consent to STD testing, HIV is explicitly included.

Recommended Resources
Florida Department of Health - http://www.doh.state.fl.us/
**Georgia**

**Informed Consent**
Consent is required; oral or written not specified.

**Counseling**
Pre-test counseling and post-test medically appropriate counseling with confirmed HIV positive test result are required. Counseling of the spouse of HIV positive patient is required.

**Provisos of Testing**
- **Anonymous** - testing must be made available anonymously. Anonymous testing is available at designated anonymous testing sites.
- **Rapid** - no specific provisions regarding rapid testing were found.
- **Routine** - no specific provisions regarding routine testing were found.

**Disclosure**
Notification to spouse of possible exposure to HIV is required.

**Minor/Adolescent Testing**
Minors may consent to STD testing, HIV not explicitly included. Physicians may, but are not required to, notify the parents of the HIV test result.

**Recommended Resources**

**Hawaii**

**Informed Consent**
Health care provider must afford the patient the opportunity to decline testing, but specific written consent is not required - opt-out process (see State Policies Relating to HIV Testing, 2011). Verbal consent is acceptable at anonymous testing sites.

**Counseling**
Pre-test counseling is not required for tests ordered by a health care provider. Post-test counseling must be offered in cases of reactive, indeterminate, or confirmed positive results.

**Provisos of Testing**
- **Anonymous** - testing must be made available anonymous. Anonymous testing is available at designated anonymous testing sites.
- **Rapid** - no specific provisions regarding rapid testing were found.
- **Routine** - no specific provisions regarding routine testing were found.

**Disclosure**
No specific provisions regarding disclosure were found.

**Minor/Adolescent Testing**
Minors may consent to STD testing and treatment, HIV is explicitly included.

**Recommended Resources**
Idaho

Informed Consent
No specific provisions regarding informed consent were found.

Counseling
No specific provisions regarding counseling were found.

Provisos of Testing
- Anonymous - availability of anonymous testing is not required.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding disclosure were found.

Minor/Adolescent Testing
Persons 14 years of age or older may consent to testing for communicable diseases, HIV explicitly included.

Recommended Resources
Idaho Statutes - http://www3.state.id.us/idstat/TOC/idstTOC.html

Illinois

Informed Consent
Informed consent may be through the opt-out process; included in general consent; and obtained verbally or in writing, as long as it is documented. This policy effect June 1, 2008.

Counseling
Pre-test counseling must be offered; may be provided verbally, in writing, electronically, by video, or though other means, as long as patients are permitted to ask questions.

Provisos of Testing
- Anonymous - physicians must inform patients of the availability of anonymous testing. Patients may request anonymous testing. All testing must be available anonymously.
- Rapid - a confirmatory test is required before notifying the patient of positive HIV test results.
- Routine - HIV testing should be made a routine part of general medical care, as recommended by the United States Centers for Disease Control and Prevention.

Disclosure
Notification to sexual and needle-sharing partners of possible exposure to HIV is not required.

Minor/Adolescent Testing
Persons 12 years of age or older may consent to HIV testing. Physicians may, but are not required to, notify the parents of HIV test results.

Recommended Resources
**Indiana**

Informed Consent
Specific informed consent required; may be oral or in writing.

Counseling
No specific provisions regarding counseling were found.

Provisos of Testing
- Anonymous - testing must be available anonymously.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing
Persons 14 years of age or older may consent to STD testing and treatment, HIV explicitly included.

Recommended Resources

**Iowa**

Informed Consent
HIV testing is implicitly included in a general consent for medical tests or procedures. If general medical consent is not used or is no longer in effect, specific informed consent may be oral or in writing.

Counseling
Post-test counseling is required with HIV positive test results.

Provisos of Testing
- Anonymous - anonymous testing is not available.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
Notification to sexual partners of possible exposure to HIV is not required.

Minor/Adolescent Testing
Minors may consent to HIV testing. Specific written informed consent is required. Health care provider or health facility is required to inform the legal guardian of an HIV positive result. Health facility must notify patient that legal guardian will be notified of an HIV positive result.

Recommended Resources
Iowa Administrative Code - http://legis.state.ia.us/IAC.html
Kansas

Informed Consent
No specific provisions regarding informed consent were found.

Counseling
Counseling must be offered.

Provisos of Testing
- Anonymous - testing must be made available anonymously. Anonymous testing is available at designated anonymous testing sites.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing
Minors may consent to STD testing and treatment, HIV not explicitly included. Physicians may, but are not required to, notify the parents of the HIV test result.

Recommended Resources

Kentucky

Informed Consent
HIV testing is included in general medical consent (see State Policies Relating to HIV Testing, 2011, in the individual state profile, for exceptions).

Counseling
Post-test counseling is required with HIV positive test results.

Provisos of Testing
- Anonymous - testing must be made available anonymous. Anonymous testing is available at designated anonymous testing sites.
- Rapid - a confirmatory test is required before notifying the patient of HIV test results.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing
Minors may consent to STD testing and treatment, HIV not explicitly included.

Recommended Resources
Kentucky Legislature: Kentucky Revised Statutes - http://www.lrc.state.ky.us/statrev/frontpg.htm
Louisiana

Informed Consent
Informed consent is required and through the opt-out process. HIV testing is included in general medical consent.

Counseling
No specific provisions regarding counseling were found.

Provisos of Testing
- Anonymous - testing must be made available anonymously.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - Diagnostic HIV testing may be offered to a person as part of a routine medical screening in health care settings, substance abuse treatment facilities, mental health treatment facilities, and correctional settings.

Disclosure
No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing
Minors may consent to venereal disease testing and treatment, HIV not explicitly included.

Recommended Resources
Louisiana State Legislature - http://www.legis.state.la.us/

Maine

Informed Consent
Informed consent required and through the opt-out process; may be oral or in writing.

Counseling
- Post-test counseling is required for HIV positive results. Post-test counseling is required in cases of health care worker exposure.

Provisos of Testing
- Anonymous - anonymous testing is available at designated anonymous testing sites.
- Rapid - no provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing
Minors may consent to venereal disease testing and treatment, HIV not explicitly included. Physicians may, but are not required to, inform the parents of the HIV test result.

Recommended Resources
List of Titles, Maine Revised Statutes - http://janus.state.me.us/legis/statutes/
Maryland

Informed Consent
Informed consent required in a health care facility. Specific written informed consent required in a location other than a health care facility. (see State Policies Relating to HIV Testing, 2011, in the individual state profile, for exceptions).

Counseling
- Pre-test counseling may be written, oral, or by video. Post-test counseling is required for HIV positive results.
- Post-test counseling is required for HIV positive test results in cases of health care worker exposure.

Provisos of Testing
- Anonymous - anonymous testing is available at designated anonymous testing sites.
- Rapid - a confirmatory test must be offered.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
Notification to sexual and needle-sharing partners of possible exposure to HIV is not required.

Minor/Adolescent Testing
Minors may consent to venereal disease testing and treatment, HIV not explicity included.

Recommended Resources
Code of Maryland Regulations - http://www.dsd.sate.md.us/comar/
Maryland Department of Health and Hygiene - http://www.dhmh.state.md.us/

Massachusetts

Informed Consent
Specific informed consent required; must be in writing. (see State Policies Relating to HIV Testing, 2009).

Counseling
- Counseling of all HIV/AIDS patients to modify high-risk behavior is required.

Provisos of Testing
- Anonymous - anonymous testing is available at designated anonymous testing sites.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing
Minors may consent to venereal disease testing and treatment, HIV not explicity included. Physicians may, but are not required to, notify the parents of the HIV test result.

Recommended Resources
Massachusetts State Legislature - http://www.mass.gov/legis/
**Alabama**

**Informed Consent**
Informed consent must be documented in the patient medical records; may be written or verbal and through the opt-out process. Informed consent may be incorporated into consent for general medical care, tests, and procedures.

**Counseling**
Pre- and post-test counseling is required.

**Provisos of Testing**
- Anonymous - anonymous testing must be made available.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

**Disclosure**
Notification to sexual partners of possible exposure to HIV is required.

**Minor/Adolescent Testing**
Minors may consent to HIV testing and treatment. Physicians may, but are not required to, notify the parents of the HIV test results.

**Recommended Resources**

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**Michigan**

**Informed Consent**
Informed consent must be documented in the patient medical records; may be written or verbal and through the opt-out process. Informed consent may be incorporated into consent for general medical care, tests, and procedures.

**Counseling**
Pre- and post-test counseling is required.

**Provisos of Testing**
- Anonymous - anonymous testing must be made available.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

**Disclosure**
Notification to sexual partners of possible exposure to HIV is required.

**Minor/Adolescent Testing**
Minors may consent to HIV testing and treatment. Physicians may, but are not required to, notify the parents of the HIV test results.

**Recommended Resources**

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**Minnesota**

**Informed Consent**
No specific provisions regarding consent were found.

**Counseling**
No specific provisions regarding consent were found.

**Provisos of Testing**
- Anonymous - no specific provisions regarding anonymous testing were found.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - routine testing is through the opt-out process.

**Disclosure**
No specific provisions regarding the notification of partners or contacts were found.

**Minor/Adolescent Testing**
Minors may consent to venereal disease testing and treatment, HIV not explicitly included.

**Recommended Resources**
Minnesota Statutes, Session Laws, and Rules - [http://www.leg.state.mn.us/leg/statutes.asp](http://www.leg.state.mn.us/leg/statutes.asp)
Mississippi

Informed Consent
Specific consent not required by hospitals, their staff, or physicians for the purpose of diagnosis, treatment, or protection of health and safety. Opt-out process is implied. Compatible with CDC Recommendations and Guidelines.

Counseling
Post-test counseling is required with HIV positive test results.

Provisos of Testing
- Anonymous - testing is not available.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing
Minors may consent to venereal disease testing and treatment, HIV not explicitly included. Physicians may, but are not required to, notify the parents of the HIV test result.

Recommended Resources
Mississippi Department of Health - http://www.msdh.state.ms.us/
Mississippi Legislature - http://www.ls.state.ms.us/

Missouri

Informed Consent
Informed consent is required; oral or written not specified.

Counseling
Pre- and post-test counseling is required by health professionals other than physicians. The scope of pre- and post-test counseling shall be governed by the physician’s judgment and shall be as comprehensive as consultation provided for other diagnostic tests.

Provisos of Testing
- Anonymous - testing must be made available anonymous. Anonymous testing is available at designated anonymous testing sites.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing
Minors may consent to STD testing and treatment, HIV not explicitly included. Physicians may, but are not required to, notify the parents of the HIV test result.

Recommended Resources
Missouri Revised Statutes - http://www.moga.mo.gov/statutesearch/
Montana

Informed Consent
Consent must be incorporated into the patient’s general informed consent for medical care; may be oral or in writing with documentation of declination in the medical record.

Counseling
Pre-test information to ensure the patient’s knowledge and understanding that HIV diagnostic testing is planned and that testing is voluntary.

Provisos of Testing
- Anonymous - no provisions regarding anonymous testing were found.
- Rapid - rapid testing shall be offered to women in labor if their status is unknown/undocumented.
- Routine - HIV screening is routine.

Disclosure
Notification to sexual and needle-sharing partners of possible exposure to HIV is encouraged but not required.

Minor/Adolescent Testing
Emancipated minors may consent to STD testing and treatment, HIV explicitly included.

Recommended Resources
Montana Department of Health and Human Services - http://www.dphhs.state.mt.us/

Nebraska

Informed Consent
Specific informed consent required; must be in writing.

Counseling
Post-test counseling is required with HIV positive test results in cases of occupational exposure.

Provisos of Testing
- Anonymous - testing must be made available anonymous. Physicians must inform patients of availability of anonymous testing. Anonymous testing is available at designated anonymous testing sites.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
Notification to sexual partners of possible exposure to HIV is required.

Minor/Adolescent Testing
Minors may consent to STD testing and treatment, HIV not explicitly included.

Recommended Resources
Nebraska Rules and Regulations - http://www.sos.state.ne.us/business/regsearch/index.cgi
Nevada

Informed Consent
No specific provisions regarding informed consent were found.

Counseling
Post-test counseling is required with HIV positive test results.

Provisos of Testing
• Anonymous - no provisions regarding anonymous testing were found.
• Rapid - rapid testing may be used on pregnant women. Rapid testing may be used on newborns.
• Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing
Minors may consent to STD testing and treatment, HIV not explicitly included.

Recommended Resources
Nevada Legislature - http://www.leg.state.nv.us/
Nevada State Health Division - http://health2k.state.nv.us/

New Hampshire

Informed Consent
Informed consent is required in accordance with CDC HIV testing consent recommendations (see State Policies Relating to HIV Testing, 2011, in the individual state profile, for exceptions).

Counseling
Post-test counseling as appropriate.

Provisos of Testing
• Anonymous - no specific provisions regarding anonymous testing were found.
• Rapid - a confirmatory test is required before notifying the patient of HIV test results.
• Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners and contact were found.

Minor/Adolescent Testing
Persons 14 years of age or older may consent to STD testing, HIV not explicitly included.

Recommended Resources
State of New Hampshire Revised Statutes Online -
http://www.gen Court.state.nh.us/rsa/html/indexes/default.html
New Hampshire Department of Health and Human Services -
http://www.dhhs.state.nj.us/DHHS/DHHS_SITE/default.htm
New Jersey

Informed Consent
No specific provisions regarding informed consent were found.

Counseling
No specific provisions regarding counseling were found.

Provisos of Testing
- Anonymous - anonymous testing is available at designated anonymous testing sites.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners and contacts were found.

Minor/Adolescent Testing
Minors 13 years or older may consent to HIV testing.

Recommended Resources
New Jersey Legislature - http://www.njleg.state.nj.us/
New Jersey Department of Health and Senior Service – Division of HIV/AIDS Services - http://www.state.nj.us/health/aids/aidsprv.htm

New Mexico

Informed Consent
Informed consent is required; may be oral or in writing (see State Policies Relating to HIV Testing, 2011, in the individual state profile, for exceptions); may be included in routine medical care.

Counseling
Post-test counseling is required with HIV positive test results.

Provisos of Testing
- Anonymous - no specific provisions regarding anonymous testing were found.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - HIV testing may be included as part of routine panel tests for pregnant women.

Disclosure
No specific provisions regarding the notification of partners and contact were found.

Minor/Adolescent Testing
Minors may consent to HIV testing.

Recommended Resources
New Mexico Legislature - http://legis.state.nm.us/lcs/default.asp
New Mexico Department of Health - http://www.health.nm.us/
Informed Consent
Informed consent required; must be in writing, except in cases of rapid testing. Written informed consent may be incorporated into the general medical consent. The general consent form shall have a clearly marked place adjacent to the signature where the subject shall be given an opportunity to specifically decline HIV testing in writing.

Counseling
Pre-and (with negative results) post-test information is required; however, requirement may be fulfilled through written materials and an opportunity to ask questions. Compatible with CDC recommendations. In cases of HIV positive results, provider must give post-test counseling or a referral for counseling.

Provisos of Testing
- Anonymous - physicians must inform patients of availability of anonymous testing. All testing must be available anonymously.
- Rapid - informed consent for a rapid test may be obtained orally and must be documented in the medical record. A confirmatory test is required before notifying the patient of HIV test results, except in perinatal testing.
- Routine - Practitioners are required to offer HIV testing to every individual ages 13-64 receiving health services.

Disclosure
Notification to sexual and needle-sharing partners of possible exposure to HIV is required.

Minor/Adolescent Testing
Minors may consent to HIV testing. Physicians may, but are not required to, notify the parents of the HIV test result.

Recommended Resources
New York State Department of Health – Laws and Regulations - http://www.health.state.ny.us/regulations

North Carolina
Informed Consent
May use general informed consent; oral or written not specified (see State Policies Relating to HIV Testing, 2011, in the individual state profile, for exceptions).

Counseling
Post-test counseling with referrals for medical and psychosocial services for persons infected with HIV required; local health departments must offer free counseling.

Provisos of Testing
- Anonymous - no specific provisions regarding anonymous testing were found.
- Rapid - see “Prenatal and Neonatal Testing” in the individual state profile.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
Notification to partners of a possible exposure to HIV is required.

Minor/Adolescent Testing
Minors may consent to STD testing and treatment, HIV explicitly included.

Recommended Resources
North Carolina Department of Health and Human Services - http://dhhs.state.nc.us/
North Dakota

Informed Consent
Informed consent is required; oral or written not specified (see State Policies Relating to HIV Testing, 2011, in the individual state profile, for exceptions).

Counseling
No specific provisions regarding counseling were found.

Provisos of Testing
- Anonymous - no specific provisions regarding anonymous testing were found.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners and contacts were found.

Minor/Adolescent Testing
Minors may consent to HIV testing.

Recommended Resources
North Dakota Legislative Branch - http://www.legis.nd.gov/
North Dakota Department of Health - http://www.health.state.nd.us/

Ohio

Informed Consent
HIV test may be given by or on the order of a health care provider who, in the exercise of the provider's professional judgment, determines the test to be necessary for providing diagnosis and treatment to the individual to be tested.

Counseling
Post-test counseling in cases of HIV-positive results is required.

Provisos of Testing
- Anonymous - patients may request anonymous testing. Anonymous testing is available at designated anonymous testing sites.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - a policy to offer routine and voluntary testing may be adopted by a facility or physician.

Disclosure
Notification to sexual partners of a possible exposure to HIV is required.

Minor/Adolescent Testing
Minors may consent to STD testing, HIV explicitly included.

Recommended Resources
127th Ohio General Assembly - http://legislature.state.oh.us/
Ohio Revised and Administrative Code - http://codes.ohio.gov/
Ohio Department of Health - http://www.odh.state.oh.us/
Oklahoma

Informed Consent
No specific provisions regarding consent were found.

Counseling
Physicians must instruct in measures of preventing the spread of disease and of the necessity for treatment with HIV positive test results.

Provisos of Testing
- Anonymous - no specific provisions regarding anonymous testing were found.
- Rapid - rapid testing may be used on source patient in cases of occupational exposure of health care workers.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners and contacts were found.

Minor/Adolescent Testing
Minors may consent to STD testing, HIV explicitly included. Physicians may, but are not required to, notify the parents of the HIV test result.

Recommended Resources
Oklahoma Legislature - http://www.ls.state.ok.us/
Oklahoma State Department of Health - http://www.health.state.ok.us/

Oregon

Informed Consent
Informed consent required; oral or written not specified (see State Policies Relating to HIV Testing, 2011, in the individual state profile, for exceptions).

Counseling
No specific provisions regarding counseling were found.

Provisos of Testing
- Anonymous - anonymous testing is available at designated anonymous testing sites.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - HIV test is included as part of routine panel of tests for pregnant women.

Disclosure
Notification to sexual and needle-sharing partners of a possible exposure to HIV is not required.

Minor/Adolescent Testing
Persons 15 years or younger may consent to HIV testing.

Recommended Resources
Oregon Administrative Rules - http://arcweb.sos.state.or.us/banners/rules.htm
**Pennsylvania**

**Informed Consent**
Informed consent required; must be in writing.

**Counseling**
Pre-test and post-test counseling is required.

**Provisos of Testing**
- Anonymous - anonymous testing is available at designated anonymous testing sites.
- Rapid - a confirmatory test is required before notifying the patient of HIV test results.
- Routine - no specific provisions regarding routine testing were found.

**Disclosure**
Notification to sexual and needle-sharing partners of possible exposure to HIV is not required.

**Minor/Adolescent Testing**
Minors may consent to services for reportable diseases, HIV explicitly included.

**Recommended Resources**
- Pennsylvania General Assembly - http://www.legis.state.pa.us/
- Pennsylvania Department of Health - http://www.dsf.health.state.pa.us/health/site/default.asp

**Puerto Rico**

**Informed Consent**
No specific provisions regarding consent were found.

**Counseling**
No specific provisions regarding counseling were found.

**Provisos of Testing**
- Anonymous - no specific provisions regarding anonymous testing were found.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

**Disclosure**
No specific provisions regarding the notification to partners or contacts were found.

**Minor/Adolescent Testing**
No specific provisions regarding minor or adolescent testing were found.

**Recommended Resources**
- Puerto Rico Department of Health - http://salud.gov.pr/
Rhode Island

Informed Consent
Informed consent may be through the opt-out process and obtained verbally or in writing (see State Policies Relating to HIV Testing, 2011, in the individual state profile, for exceptions); anonymous testing must be verbal.

Counseling
• Pre-test information and opportunity for client-specific counseling tailored to the patient (to allow greater flexibility) must be offered with HIV testing and informed consent; information may be oral or written. HIV counseling means an interactive process of communication between a person and a health care provider or qualified professional HIV test counselor with an assessment of risk and the provision of counseling to assist the person with behavior changes to reduce risks. For positive results, post-test counseling must be given in person.

Provisos of Testing
• Anonymous - anonymous testing is available at designated anonymous testing (CTRS) sites.
• Rapid - rapid testing sites must seek a waiver from the department to provide confirmatory HIV testing from a lab other than the state lab, and shall forward all positive and negative confirmatory HIV test results to the department.
• Routine - a physician or health care provider attending to any person who may be at risk for HIV infection shall routinely offer the HIV test to those patients. HIV test may be included as part of routine panel of tests for pregnant women.

Disclosure
Positive results must be given in person. Notification to partners of a possible exposure to HIV is not required.

Minor/Adolescent Testing
Minors may consent to HIV testing and services.

Recommended Resources
Rhode Island Rules and Regulations - http://www.sec.state.ri.us/rules/
Rhode Island Department of Health - http://www.health.state.ri.us/

South Carolina

Informed Consent
No specific provisions regarding consent were found.

Counseling
No specific provisions regarding counseling were found (see State Policies Relating to HIV Testing, 2011, in the individual state profile, for exceptions).

Provisos of Testing
• Anonymous - anonymous testing is not available.
• Rapid - no specific provisions regarding rapid testing were found.
• Routine - no specific provisions regarding routine testing were found.

Disclosure
Notification to sexual and needle-sharing partners of possible exposure to HIV is required.

Minor/Adolescent Testing
Person 16 years or older may consent to HIV testing.

Recommended Resources
South Carolina Code of Regulations - http://www.scstatehouse.net/coderegs/statmast.htm
South Dakota

Informed Consent
No specific provisions regarding consent were found.

Counseling
No specific provisions regarding counseling were found.

Provisos of Testing
- Anonymous - no specific provisions regarding anonymous testing were found.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
Notification to sexual and needle-sharing partners of possible exposure to HIV is not required.

Minor/Adolescent Testing
Minors may consent to STD testing, HIV not explicitly included.

Recommended Resources
South Dakota Codified Laws - http://legis.state.sd.us/statutes/index.aspx
South Dakota Department of Health - http://www.state.sd.us/doh

Tennessee

Informed Consent
No specific provisions regarding consent were found.

Counseling
No specific provisions regarding counseling were found.

Provisos of Testing
- Anonymous - name-based reporting precludes anonymous testing.
- Rapid - Rapid testing may be used on pregnant women presenting to labor or delivery with undocumented HIV status.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing
Minors may consent to STD testing, HIV explicitly included.

Recommended Resources
Tennessee State Department of Health - http://www.state.tn.us/health/
**Texas**

**Informed Consent**
Informed consent required; may be oral or in writing. HIV testing may be included in general medical consent.

**Counseling**
Post-test counseling is required with HIV positive test results.

**Provisos of Testing**
- Anonymous - anonymous testing is available at designated anonymous testing sites.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

**Disclosure**
Notification to partners of possible exposure to HIV is required.

**Minor/Adolescent Testing**
Minors may consent for communicable diseases, HIV explicitly included.

**Recommended Resources**
- Texas Administrative Code - http://www.sos.state.tx.us/tac/
- Texas Department of State Health Services - http://www.tdh.state.tx.us/

**Utah**

**Informed Consent**
No specific provisions regarding consent were found.

**Counseling**
No specific provisions regarding counseling were found.

**Provisos of Testing**
- Anonymous - anonymous testing is available at designated anonymous testing sites.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

**Disclosure**
Notification to sexual and needle-sharing partners of possible exposure to HIV by health departments is required.

**Minor/Adolescent Testing**
Minors may consent to STD testing, HIV not explicitly included.

**Recommended Resources**
- Utah Department of Health - http://health.utah.gov/
Vermont

Informed Consent
No specific provisions regarding consent were found.

Counseling
No specific provisions regarding counseling were found.

Provisos of Testing
- Anonymous - no specific provisions regarding anonymous testing were found.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing
Persons 12 years of age or older may consent to STD testing, HIV not explicitly included.

Recommended Resources
The State of Vermont Legislature - http://www.leg.state.vt.us
Vermont Department of Health - http://www.healthyvermonters.info/

Virginia

Informed Consent
Prior to an HIV test, a medical care provider shall inform the patient that the test is planned, provide information about the test, and advise the patient that he has the right to decline the test. If a patient declines the test, the medical care provider shall note that fact in the patient’s medical file. Opt-out process implied. Compatible with CDC Recommendations.

Counseling
Persons who test positive shall be afforded individual face-to-face disclosure and the opportunity for post-test counseling. Appropriate counseling shall include, not not be limited to, the meaning of the test results, the need for additional testing, the etiology, prevention and effects of acquired immunodeficiency syndrome, the availability of appropriate health care, mental health care and social services, the need to notify any person who may have been exposed to the virus and the availability of assistance through the Department of Health in notifying such individuals.

Provisos of Testing
- Anonymous - anonymous testing is available at designated anonymous testing sites.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
No specific provisions regarding the notification of partners or contacts were found.

Minor/Adolescent Testing
Minors may consent to HIV testing. Physicians may, but are not required to, notify parents of the HIV test.

Recommended Resources
The Code of Virginia - http://leg1.state.va.us/000/src.htm
Virginia Department of Health - http://www.vdh.state.va.us/
Washington

Informed Consent
Informed consent required and may be verbal or in written; may be obtained separately or as part of the consent for a battery of other routine tests; is through the opt-out process, an opportunity for questions and to decline testing must be offered.

Counseling
Post-test counseling is required with HIV positive test results - Name and locating information of those testing HIV positive must be provided to the local health officer for follow-up post-test counseling.

Provisos of Testing
- Anonymous - anonymous testing is available at designated anonymous testing sites. Any person authorized to order or prescribe an HIV test may offer anonymous testing without restriction.
- Rapid - rapid testing may be used on pregnant women presenting to labor or delivery (at a birth center). Persons may inform a tested individual of the unconfirmed results of a rapid HIV test provided the test result is interpreted as preliminarily positive, and the tested individual is informed that: (a) Further testing is necessary to confirm the reactive screening test result; (b) The meaning of reactive screening test result is explained in simple terms, avoiding technical jargon; (c) The importance of confirmatory testing is emphasized and a return visit for confirmatory test results is scheduled; and (d) The importance of taking precautions to prevent transmitting infection to others while awaiting results of confirmatory testing is stressed.
- Routine - HIV testing may be included as part of a battery of other routine tests. HIV testing may be included as part of routine panel of tests for pregnant women.

Disclosure
Assistance with partner notification (by local health officer) must be offered.

Minor/Adolescent Testing
Persons 14 years of age or older may consent to STD testing, HIV explicitly included.

Recommended Resources

West Virginia

Informed Consent
Informed consent required; may be oral or in writing (see State Policies Relating to HIV Testing, 2011, in the individual state profile, for exceptions).

Counseling
Post-test counseling is required; may be fulfilled with a brochure. Compatible with CDC recommendations and guidelines.

Provisos of Testing
- Anonymous - all testing must be available anonymously.
- Rapid - no specific provisions regarding rapid testing were found.
- Routine - no specific provisions regarding routine testing were found.

Disclosure
Notification to sexual partners of a possible exposure to HIV is not required.

Minor/Adolescent Testing
Minors may consent to STD testing, HIV not explicitly included.

Recommended Resources
West Virginia Legislature - http://legis.state.wv.us/
West Virginia Department of Health and Human Resources - http://www.wvdhhr.org
Informed Consent
Specific informed consent required; must be in writing (see State Policies Relating to HIV Testing, 2011, in the individual state profile, for exceptions):

- Must notify the person or the person’s authorized representative that he or she may decline the HIV test and that the person will be subjected to an HIV test unless the test is declined.

- Must offer a brief oral or written explanation/description of HIV infection, HIV test results, requirements for reporting results, treatment options for a positive HIV test result, and AIDS service organizations and the services they provide to persons who have a positive HIV test result.

- Must notify that if the person or person’s authorized representative declines to have an HIV test performed, the health care provider may not use the fact that the person declined an HIV test as a basis for denying services or treatment, other than an HIV test, to the person.

- Must provide an opportunity to ask questions and to decline the HIV test.

- Must verify understanding that an HIV test will be performed on the person and that the decision regarding whether to have an HIV test performed is not coerced or involuntary.

Counseling
No specific provisions regarding counseling were found (counseling policies repealed April, 2010).

Provisos of Testing
- Anonymous - anonymous testing is available at designated anonymous testing sites.

- Rapid - no specific provisions regarding rapid testing were found.

- Routine - no specific provisions regarding routine testing were found.

Disclosure
Notification to sexual partners of possible exposure to HIV is encouraged but not required.

Minor/Adolescent Testing
Persons 14 years of age or older or their authorized representatives may consent to HIV testing and treatment.

Recommended Resources
The Updated Wisconsin Statutes and Annotations - http://legis.state.wi.us/rsb/stats.html
Wisconsin Department o Health and Family Services - http://www.dhfs.state.wi.us/
Informed Consent
No specific provisions regarding consent were found.

Counseling
Counseling may be offered with HIV positive test results.

Provisos of Testing
• Anonymous - no specific provisions regarding anonymous testing were found.
• Rapid - no specific provisions regarding rapid testing were found.
• Routine - no specific provisions regarding routine testing were found.

Disclosure
Notification to sexual partners of a possible exposure to HIV is required.

Minor/Adolescent Testing
Persons 18 years or younger may consent to HIV testing.

Recommended Resources
Wyoming Statutes - http://legisweb.state.wy.us/titles/statutes.htm