



FEDERATION OF PROTESTANT WELFARE AGENCIES

281 Park Avenue South, New York, NY 10010 | www.fpwa.org

Memorandum In Support

A.11487 (Gottfried)/ S.8227(Duane)

An act to amend the public health law, in relation to HIV testing

June 25, 2010

FPWA is a membership organization with a network of human service organizations and churches that operate over 1,100 programs throughout the New York City metro area. Together we serve over 1.5 million low-income New Yorkers of all ages, ethnicities and denominations each year.

FPWA endorses A.11487 sponsored by Assembly Member Gottfried and S.8227 sponsored by Senator Duane and recommends it be enacted. FPWA believes that A.11487/S.8227 contains important changes to New York State Public Health Law Article 27F that would encourage HIV testing, while ensuring adequate patient protections are maintained. Specifically, this bill allows patient's consent be documented as part of a signed general consent form to medical care, or oral consent when the test being ordered is a rapid HIV test. FPWA is pleased to see that the provision of pre-test counseling information will continue to be required, and that patients will be given the opportunity to "opt-out" of an HIV test in writing.

Another important change proposed by A.11487/S.8227 is the requirement to offer an HIV test to all individuals between the ages of 13 and 64 years of age (or younger or older if there is evidence of risk activity), who is receiving health services in many primary care settings, including private physicians' offices. FPWA hopes that the adoption of this recommendation of routine offer of an HIV test, which was developed and issued by the Centers for Disease Control and Prevention in 2006, will help reduce stigma that is associated with HIV/AIDS, and increase awareness of knowing one's HIV status.

For the patient who tests HIV positive, the proposed legislation will help increase the impact of early detection by requiring the person who ordered the test to provide or arrange for follow-up medical care. Counseling with respect to positive test results will remain consistent with existing law. Last but not least, A11487/S.8227 proposes that the offering of HIV-related testing must be culturally and linguistically appropriate. Given that there are still stigmas



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attached with HIV/AIDS, FPWA thinks this is an important factor to consider when designing and implementing outreach and HIV testing activities.

FPWA recognizes that making the offer of HIV testing a routine part of care in general medical settings is an important goal of the HIV/AIDS community, legislators and public health agencies. We appreciate the leadership of Assembly Member Gottfried and Senator Duane and their staff for bringing together this proposal that highlights the common goal and objectives of a diverse group. This bill, if passed, will be effective on September 1, 2010.

FPWA recommends that the Governor to sign A.11487/ S.8227 into law.

For more information, contact:

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