By law, HIV test results and other related information are kept confidential (private).

Discrimination based on a person’s HIV status is illegal. People who are discriminated against can get help.

Consent for HIV-related testing remains in effect until it is withdrawn verbally or in writing. If the consent was given for a specific period of time, the consent applies to that time period only. Persons may withdraw their consent at any time.

Consider patient’s ability, regardless of age, to comprehend the potential outcomes of HIV testing. If the patient does not have the ability to understand these outcomes, defer testing or discuss with a person who has legal authority to consent to HIV testing for the patient.

If domestic violence (DV) concerns are raised, make referrals as appropriate (see “Resources”).

Obtain Consent

• Oral consent can be given for rapid testing; consent must be documented in patient chart. Written consent is needed for non-rapid testing. Model forms for written consent are available at: www.health.ny.gov/diseases/aidstesting

• Consent is valid for repeat testing but patient must be orally informed of each test.

• Consent may be revoked at any time by the patient, either orally or in writing.

Providing a negative (non-reactive) test result

• A negative HIV test result may be provided in-person, by mail, by email, or by telephone as long as patient confidentiality is protected.

• Explain that a negative result almost always means that the person is not infected with HIV.

• Indicate that there is a possibility of recent infection if the person engaged in risk behaviors in the three months prior to the test and may need to be re-tested.

• Discuss the importance of avoiding future risky behaviors.

Note: If acute HIV is suspected, a negative antibody test would be expected and follow-up with viral load testing may be indicated.

Providing a positive (reactive) test result

• Ensure patient gets results of confirmatory test.

When a patient has a reactive result on the rapid HIV screening, a second, confirmatory test must be conducted by a certified laboratory. If the second test is also positive, it is considered a positive test result that needs to be provided to the patient.

Provide post-test counseling on the following topics

(1) Coping with the consequences of learning the result;

(2) The potential for discrimination;

(3) Preventing the transmission of HIV to others through risk behaviors and/or perinatally;

(4) HIV reporting is required by law (see information about DOH-4189 Form below)

(5) The availability of treatment and their right to have a follow-up appointment made for HIV medical care.

(6) How to access prevention and supportive services. Outside of New York City, the New York State Department of Health (NYSDOH) Partner Services staff can also assist in providing post-test counseling.

• Discuss provider’s responsibility to report name(s) of known partners/spouse to NYSDOH.

• Review options for patient to notify his or her partners, and actively link the patient to the Partner Services (PS) program.

For more information on PS, visit: www.health.ny.gov/diseases/communicable/std/partnerservices

• Conduct DV screening for each partner. For more information on DV screening, visit: www.health.ny.gov/diseases/aidstesting/dv/regulations

• Complete the Medical Provider HIV/AIDS and Partner/Contact Report Form (DOH-4189) within 14 days. Send one copy (yellow) to NYSDOH; keep one copy (white) for patient’s record if appropriate (call 518-474-4284 to obtain forms).

• Provide or schedule a follow-up appointment for HIV medical care. If you do not provide HIV medical care, the patient’s medical record should reflect the name of the provider/facility where the appointment was made.

For ALL patients:

• Document the provision of post-test counseling, including the test results.

• For HIV positive patients, also document results of DV screening and arrangements for partner services.
Resources

Wadsworth Laboratory: 518-465-5378 or www.wadsworth.org/slep
To register as a limited test site to offer rapid HIV testing.

New York State Department of Health website: www.health.ny.gov/diseases/aids
Lists information for HIV/AIDS programs, services, laws, regulations, training, materials, etc.

To order Medical Provider HIV/AIDS and Partner/Contact Forms (DOH #4189/4189A) call:
518-474-4284.

NYSDOH HIV Clinical Resource: www.hivguidelines.org
Downloads and on-line orders for HIV clinical guidelines and other materials for providers.

NYSDOH Partner Services: 1-800-541-2437
Referrals for free, confidential help in notifying exposed partners/spouse, outside of NYC area.

New York City Department of Health and Mental Hygiene, Contact Notification Assistance Program (CNAP): 212-693-1419

New York State Department of Health AIDS Institute

Required Domestic Violence (DV) Screening Process for HIV Counseling, Testing, Referral and Partner Services (PS) for Individuals Testing HIV Positive

Step #1: Discuss DV before eliciting partner names.
Step #2: Screen for risk of DV for each partner to be notified.
Step #3: Provide referral(s) for DV services and discuss release form.
Step #4: Make determination(s) regarding DV Partner Services.
Step #5: Discuss and implement Partner Services option(s).
For any partner where the provider defers notification based on DV risk:
• Partner Services staff will contact the provider in 30 to 120 days to discuss DV risk and steps in place to address it.
• For a flow chart of the deferral process, visit: www.health.ny.gov/diseases/aids/regulations.

Step #6: Collaborate with the local department for Partner Services.
Step #7: Revisit Partner Services and DV risk throughout the continuum of care.
For more information on the Required Domestic Violence Screening Process, visit: www.health.ny.gov/diseases/aids/regulations.

NYSDOH HIV Confidentiality Hotline: 1-800-962-5065
General information, “Breach of Confidentiality” forms, and referrals for further assistance.

NYS Division of Human Rights: 718-761-8400

NYC Domestic Violence Hotline: 1-800-942-6900;
(Spanish): 1-800-942-6908.

NY State Domestic Violence Hotline: 212-306-7500

NYS Domestic Violence Hotline: Safe Horizons: 1-800-621-4673;
Hearing Impaired: 1-800-604-5350.

NY/NJ AIDS Education & Training Center: 212-304-5530 or www.nynjaetc.org

0285 New York State Department of Health 712

NYS HIV TDD Information Line: 1-800-369-2437.
Voice callers can use the New York Relay System: 711 or 1-800-421-1220 and ask the operator to dial 1-800-541-2437.

ADAP Plus: 1-800-542-2437.
Free medications and care for uninsured HIV-infected persons.

NYSDOH AIDS Confidentiality Hotline: 1-800-962-5065

NYS Division of Human Rights: 718-761-8400

NYC Domestic Violence Hotline: 212-306-7500

NYC Domestic Violence Hotline: English: 1-800-942-6900;
(Spanish): 1-800-942-6908.

NY/NJ AIDS Education & Training Center: 212-304-5530 or www.nynjaetc.org

NYS HIV/AIDS Hotline: 1-800-541-2437 (English);
Spanish: 1-800-233-7432.

General information and referral to HIV counseling and testing, including anonymous HIV counseling and testing sites, prevention programs and health care and support services for people living with HIV/AIDS.

HIV Testing Algorithm

Provide pre-test information
Obtain informed consent (Oral for rapid test Written for non-rapid)
Collect specimen for HIV testing

Preliminary reactive
Rapid testing
Non-rapid

HIV +
Indeterminate

Provide test results in writing or via email, or telephone in a confidential manner

Provide or Partner Services informs partner
Provider or Partner Services assists patient to inform partner

Review Partner Services (PS) Options (For each partner)
Submit partner reporting form

DOH #4189

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