



MICHIGAN HEALTH & HOSPITAL ASSOCIATION

*Advocating for hospitals and the patients they serve.*

TO: Members of the Senate Health Policy Committee  
FROM: Chris Mitchell, manager, Government Relations  
DATE: October 21, 2009  
SUBJECT: Senate Bill 681 – HIV Testing Consent  
MHA Position: **SUPPORT**

- Confirmation of any disease is the first step towards treatment.
- SB 681 would remove a barrier to testing for HIV. Under current Michigan law, HIV requires separate consent from the patient, rather than being covered under a general consent for treatment. This separate consent can be a barrier to testing, which is now recommended for all adults by the CDC. Additionally, the CDC now recommends against separate informed consent for HIV. SB 681 would align Michigan policy for HIV testing with CDC recommendations
- Although there are concerns about the long-term health implications and insurance implications if an individual tests HIV positive, these health implications and insurance implications are no less serious than many other chronic medical conditions [e.g. heart disease, diabetes, et al.], none of which require separate informed consent before testing. Information on HIV status would be part of protected health information, protected under HIPAA
- Some might claim that HIV testing should require separate informed consent because, unlike diabetes, HIV is sexually transmitted. However, separate informed consent is not required for any other sexually transmitted infection, including syphilis, gonorrhea, and hepatitis B.
- Patients that are considered “at-risk” for having HIV no longer are in the historical risk groups, such as the homo-sexual community and/or intravenous drug users
- The fastest growing “at-risk” groups include (1) minorities, (2) women, and (3) adolescents
- Early detection is much less costly than treating a patient whose HIV has progressed into AIDS. A major goal of SB 681 **is to remove the barrier to testing, and improve the early detection of HIV.** This early detection will allow individuals who are infected to seek earlier medical treatment, with a goal of preventing progression to AIDS and preventing unrecognized transmission of HIV to others.
- SB 681 does not alter the privacy regarding HIV testing will be covered under federal HIPAA standards, just as any other test results and/or treatment

Please contact Chris Mitchell ([cmitchell@mha.org](mailto:cmitchell@mha.org)) at (517) 703-8622 at the MHA if you have further questions on this issue.

SPENCER JOHNSON, PRESIDENT

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