



NEW YORK STATE SENATOR

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ALBANY – The Community Health Care Association of New York State (CHCANYS), which represents more than 50 federally qualified community health centers throughout the state, has come out strongly in favor of the New York State Department of Health legislation sponsored by Senate Health Committee Chair Thomas K. Duane and Assembly Health Committee Chair Richard N. Gottfried that will vastly expand the number of New Yorkers being tested and treated for HIV.

The bill (S.3293/A.7610), which requires the routine offering of HIV tests to adults in most healthcare settings and streamlines the process of obtaining written, informed consent to such testing, has the support of more than three dozen organizations, including the Asian Pacific Islanders Coalition on HIV/AIDS, Bronx AIDS Services, Brooklyn AIDS Task Force, Catholic Charities Community Services of Rochester, Economic Opportunity Council of

Suffolk, FACES NY (formerly known as Minority Task Force on AIDS), Gay Men of African Descent, Hispanic AIDS Forum, Legal Action Center, Gay Men's Health Crisis and Women's Initiative to Stop HIV.

"I am pleased that CHCANYS has joined the growing list of diverse organizations working directly with New Yorkers infected with and affected by HIV, who recognize that this bill takes the best approach to increase testing, ensure early treatment for those who are HIV-positive and prevent new infections at this moment in the evolving epidemic," said Senator Duane.

"This legislation is the way forward," said Kate Breslin, Director of Policy for CHCANYS. "The barrier to greater and more effective testing is not a piece of paper, it is the lack of communication between doctors and patients. Making the offer of HIV testing part of routine health care for everyone, not just those deemed to be 'at risk,' is the best way to both expand the universe of New Yorkers who know their status and to reduce the stigma associated with HIV and AIDS."

Breslin added, "This bill, with its streamlined pre-test information and consent procedure, will guarantee that more people get tested for HIV and more people know the behaviors that put them at risk of contracting or spreading the virus. CHCANYS is proud to sign on in support of this legislation."

Senator Duane said that there is growing recognition that mandatory offering of voluntary HIV testing at healthcare facilities dramatically increases the number of people getting tested. In fact, after New York City's Health and Hospitals Corporation (HHC) made the offer of voluntary, rapid HIV testing standard practice, it saw the number of patients tested at its hospitals and medical centers increase from 62,023 in fiscal year 2005 to 160,900 in fiscal year 2008.

Senator Duane pointed to a November 3, 2008, HHC press release in which HHC President Alan Aviles said, "By making voluntary testing readily available as a routine part of medical care, we can help remove some of the barriers and stigma that keep people from learning their HIV status and taking care of themselves." HHC's Senior Assistant Vice President of Corporate Planning and HIV said in a presentation that same month, "Written informed consent has not been a significant barrier to achieving exceptional increases in the number of unique patients testing for HIV."

Senator Duane noted that those increases in testing took place under the State's current Public Health Law, which requires that patients give written, informed consent each time they are tested for HIV. "In negotiating the legislation that became S.3293/A.7610, New York State Health Commissioner Richard Daines, Assembly Health Committee Chair Dick Gottfried, former Senator Health Committee Chair Senator Kemp Hannon, New York City Health Commissioner Thomas Frieden and I greatly simplified and streamlined the consent requirements," said Senator Duane.

Under S.3293/A.7610, written informed consent to HIV testing will be durable so that on future visits to the same facility, a patient who has already given written consent may be notified orally that HIV testing will be conducted. And the bill simplifies the process of giving pre-test information and obtaining written consent so much that it can be completed in the waiting room along with a patient's medical history, insurance or other paperwork and even as part of a general medical consent.

"Some day stigma, ignorance and discrimination surrounding HIV may be so rare that we no longer need to require written informed consent, or to provide critical pre- and post-test information, but we are not there yet," said Senator Duane. "The continued high rate of new infections is evidence enough that there is not yet sufficient understanding among the general public of how HIV is transmitted and how it can be prevented. Passage of this

legislation will be a tremendous step towards ensuring that all New Yorkers have knowledge of their HIV status, know how to prevent new transmissions, and have access to necessary treatment and care so that we can finally stem the spread of this deadly disease.”