

Statement of Principles Expanding Access to Voluntary HIV Testing

The undersigned groups share the goal of expanding the availability of HIV testing and streamlining the testing process for providers. But expanding and streamlining testing cannot come at the expense of guaranteeing informed consent. In fact, ensuring that people understand what they are being tested for and what a positive test result means—in terms of treatment availability, transmission prevention, and confidentiality and anti-discrimination protections—is sound public health policy. When people understand the test and its implications, they are more likely to seek treatment and engage in efforts to reduce the spread of HIV.

We believe that:

1. Our goal is not testing for testing's sake. Getting more people tested should not be an end in itself, but rather, a way to reduce the overall number of cases of HIV transmission and to connect HIV-infected people with lifesaving care;
2. Streamlining the HIV testing process does not require eliminating the protections that informed consent provides, and this is consistent with CDC Recommendations;
3. Expanding access to testing for all New Yorkers can be done by making HIV related testing a routine part of primary care;
4. It is critical that people freely choose to be tested for HIV and provide informed consent in writing prior to the test to indicate that testing is being done voluntarily;
5. Informed consent means that people affirmatively choose whether or not to be tested for HIV, not that they are given the option to decline to be tested;
6. People should be fully informed about the availability of anonymous testing, who will have access to the results of the test, how those results can be used, and what legal protections exist to vindicate any resulting discrimination before they choose to be tested; and
7. Existing confidentiality protections that do not operate as a barrier to testing must be retained.

We can increase the number of New Yorkers who know their HIV status in a way that is compatible both with civil and human rights AND sound public health policy. Dismantling written informed consent laws and patient/provider protections is not the way to do it. For these reasons, the undersigned all oppose A.4813/S.7529.