



Mark Parkinson, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

August 20, 2010

Dear Colleague,

As you may be aware, Senate Bill 62, which was passed into law by the Kansas Legislature earlier this year, took effect on July 1. The new law includes a provision for the routine testing of all pregnant women for HIV, unless they specifically opt-out of such testing. Thanks to the new legislation, we can nearly eliminate the risk of mother-to-child transmission of HIV in Kansas.

If you are a provider who cares for pregnant women or their babies, you may have some questions about the new law. Fortunately, following the law will be easy. It can be summarized in three steps:

- 1.) **INFORM/OBTAIN CONSENT:** Inform your pregnant patients in writing of the purposes and benefits of HIV screening by including a mention of HIV testing in your general medical consent form. Insert this language into the form: "I test all of my pregnant patients for HIV as part of the panel of routine tests to alert me to any condition that can have a very serious effect on your pregnancy and your baby. You will be tested for HIV unless you tell me not to."
- 2.) **TEST:** Test your patient during her first trimester, if possible. If your patient is at high-risk for acquiring HIV, test again during the third trimester, or at labor and delivery.
- 3.) **DOCUMENT:** Make sure the mother's HIV status is recorded in both the mother's and the newborn's medical records.

On the back page of this letter you will find the answers to some frequently asked questions about the HIV testing provisions included in Senate Bill 62. If you have additional questions, please visit www.kdheks.gov/hiv or email prenatalHIV@kdheks.gov.

Thank you for the care you provide for Kansans at every stage of life. Your willingness to protect your pregnant patients and their offspring from HIV disease is our best defense against the tragedy of perinatal transmission of this virus.

Yours sincerely,

A handwritten signature in black ink that reads "Jason Eberhart-Phillips". The signature is written in a cursive, flowing style.

Jason Eberhart-Phillips, MD, MPH
Kansas State Health Officer and
Director of Health, KDHE

Frequently Asked Questions about SB 62

- Q- What if my patient opts-out of the HIV test during the first trimester?
A- Provide the written materials provided by KDHE. Encourage testing at the next appointment.
- Q- What does high-risk for acquiring HIV mean?
A- Women that may have engaged in behaviors such as injecting drugs, having a sex partner that injects drugs, exchanging sex for money or drugs, having an HIV positive partner or having partner with unknown HIV status.
- Q- What if a patient walks into labor and delivery and does not have a documented HIV test?
A- Test the patient; if possible use a rapid HIV test.
- Q- What if a patient opts-out of the HIV test at labor and delivery?
A- The newborn shall be tested using a rapid test.
- Q- Can my patient decline having the newborn being tested?
A- Yes, although consent is not required to screen the newborn, parents may object to the test as being in conflict with their religious tenets and practices.
- Q- What happens if a rapid HIV test is conducted on mother or baby and is reactive?
A- A confirmatory sample shall be submitted for serological testing.

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