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Date: October 2, 2017

To: Illinois Perinatal Regional Network,  
Illinois Ryan White Extended Provider Network,  
Illinois Perinatal HIV Hotline

Re: PA 100-0265 (HB 2800): Repeat Third-Trimester HIV Screening

On August 22, 2017, HB 2800 was signed into law, which amends the Perinatal HIV Prevention Act ([PA 100-0265](#)). Its aim is to identify cases of HIV acquisition during pregnancy in women with initial negative prenatal HIV testing in order to further progress toward elimination of perinatal HIV. This new legislation requires healthcare professionals who provide healthcare services to pregnant woman, to give HIV counseling and testing on an opt-out basis two times during a woman's pregnancy. Currently, opt-out HIV testing is required to be completed the earliest in the woman's pregnancy as possible. **HB 2800 now mandates a repeat opt-out HIV test during the third trimester**, ideally by the 36<sup>th</sup> week of pregnancy. This repeat/second HIV test is not required if the pregnant woman has a documented negative HIV status from the third trimester of the current pregnancy or is documented to be HIV-positive. Any refusal of counseling and testing must comply with the requirements for informed consent in the [Illinois AIDS Confidentiality Act](#), and be documented in the pregnant woman's medical record.

**Implementation of this Act is expected by January 1, 2018.**

Additionally, any healthcare professional or hospital caring for a pregnant woman during labor or delivery is required to offer counseling and rapid HIV testing on an opt-out basis if that pregnant woman does not have a documented third trimester HIV test. Testing is not required if the pregnant woman has a documented negative HIV test from the third trimester of the current pregnancy or is already documented to be HIV-positive. Patient refusal may be verbal or written. However, it must be noted in the patient's medical record and the newborn's medical record. Additionally, mandatory rapid HIV testing of newborns to determine HIV-exposure is required if there is no documentation of maternal HIV testing during the third trimester of pregnancy or at delivery.

Finally, the reporting section has been updated to require hospitals to adopt a policy that provides a report to the Illinois Department of Public Health's Perinatal HIV Hotline within 12 hours, but no later than 24 hours, of a preliminary HIV-positive woman or HIV-exposed newborn infant test result. In addition to the current reporting, aggregate monthly reporting by each hospital to the Department must include the following data:

- The number of pregnant or delivering women who presented with known HIV status
- The number of pregnant women rapidly tested for HIV in labor or delivery as either a first HIV test or a repeat third trimester HIV test

- The number of newborn infants rapidly tested for HIV-exposure because the HIV status of the delivering women was unknown in the third trimester or the delivering women refused testing, and
- The number of preliminary HIV-positive pregnant or delivering women and preliminary HIV-exposed newborn infants identified

**Implementation of this Act is expected by January 1, 2018.** Until then, the Department will be assessing the needs of the health care professionals and facilities for ongoing training and implementation of the provisions of this Act, and make recommendations to improve programming. No new data collection forms are expected to be introduced; however, a modification of the current **Perinatal Rapid HIV Testing Monthly Report Form** is forthcoming. Hospitals and clinicians will be able to develop or modify their own HIV testing and reporting procedures, and select HIV screening technology that suits the needs of their facilities. As we prepare for this implementation, the Department will be working with the Illinois Perinatal Regional Network, the expanded HIV Provider Network, the Perinatal HIV Hotline, and other key stakeholders to provide additional information, training and technical assistance as needed.

Please contact us if you have any questions or need additional information.

Very truly yours,



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