

Changes to Texas Health and Safety Code HIV Testing and Pregnant Women

Jenny McFarlane

DSHS HIV/STD Prevention and Care
Branch

jenny.mcfarlane@dshs.state.tx.us



2006 CDC Revised Recommendations Pregnant Women - I

- Universal opt-out HIV screening during each pregnancy
 - Include HIV in routine panel of prenatal screening tests
 - Consent for prenatal care includes HIV testing
 - Notification and option to decline testing
- Second test in 3rd trimester for pregnant women:
 - Known to be at risk for HIV
 - In jurisdictions with elevated HIV incidence
 - In high HIV prevalence health care facilities



2006 CDC Revised Recommendations Pregnant Women - II

- Opt-out rapid testing with option to decline for women with undocumented HIV status in L&D
 - Initiate ARV prophylaxis on basis of rapid test result
- Rapid testing of newborn recommended if mother's status unknown at delivery
 - Initiate ARV prophylaxis within 12 hours of birth on basis of rapid test result



Testing Pregnant Women - Texas

- Health and Safety Code, §81.090
- Texas Administrative Code, RULE §97.135
- Allows for diagnostic testing of syphilis, HIV infection and hepatitis B
- OPT-OUT: verbally notify the woman that an HIV test will be performed if the patient does not object and note on the medical records that verbal notification was given and printed materials were distributed (required).



Testing Pregnant Women - Texas

- Test performed at first prenatal care visit AND at labor and delivery.
- Test is confidential, not anonymous. If woman objects, must be referred to anonymous test site
- Provider shall distribute to the patient printed materials about AIDS, HIV, hepatitis B, and syphilis



Amended § 81.090 attached to Greyson's Law

- Signed 6/19/09
- Goes into effect 1/01/10
- Diagnostic Testing During Pregnancy and After Birth.
- “..a sample of the woman's blood or other appropriate specimen..”
 - At the first visit and the examination in the third trimester.



Amended Code

If the physician or other person in attendance at delivery does not find in the medical record results from the 3rd trimester test, the physician shall:

- Take sample of blood or other appropriate specimen for diagnostic testing approved by the FDA for HIV infection; and
- Instruct the laboratory to expedite the processing of the test so that the results are received less than six hours after the time the sample is submitted.



Amended Code

- If physician does not find results from test performed at 3rd trimester and a test was not performed before delivery then the physician shall:
 - Collect specimen from newborn less than two hours after the time of birth;
 - Submit for FDA approved test for HIV;
 - Lab expedite the processing so results are received less than six hours after sample submitted.

Amended Code

- A physician may not conduct a diagnostic test for HIV if the woman objects.
- A physician may not conduct test if parent, managing conservator or guardian objects.

