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Department of Health

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Executive Deputy Commissioner

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Dear Colleague:

We are writing to inform you that effective June 28, 2024, [Public Health Law section 2781](#) was amended with regard to HIV related testing requirements. This amendment has expanded the various methods allowed to provide the required notice to an individual that a voluntary/opt-out HIV test will be performed. For this notification, made readily accessible in multiple languages, allowable means now include making it available:

- verbally
- in writing
- by prominently displayed signage (new), or
- by electronic means or other appropriate form of communication (new).

Processes should also be in place to ensure effective communication with those who are visually impaired.

This notice must include the information that HIV testing is voluntary and HIV pre-and post-exposure prophylaxis medications ([PrEP](#) and [PEP](#)) are available to persons at risk of infection. A refusal of an HIV related test shall be noted in the individual's record.

Expanding the allowable methods for communicating with individuals that HIV testing is routine and will be performed, unless declined, removes the remaining logistical barriers to routine opt-out HIV testing (a proven approach to facilitate earlier diagnosis and treatment) while maintaining the voluntary nature of HIV testing. Importantly, this amendment promotes health equity by making HIV testing more accessible, reducing stigma, and addressing structural barriers that disproportionately affect marginalized populations; as well as by ensuring that every person who is the subject of an HIV test, regardless of their background or circumstances, receives critical information regarding HIV treatment, prevention, and their individual rights.

We are also writing to point you to helpful resources, listed below, which are available to support you in communicating and implementing opt-out HIV testing within your health care facility in a manner which empowers patients through a clear understanding of their rights while normalizing and de-stigmatizing HIV testing.

Thank you for your dedication as we work together to bring all New Yorkers closer to our goal of ending the HIV epidemic in our State. Questions about the amended public health law may be sent to hivtestlaw@health.ny.gov.

Sincerely,

Joseph Kerwin
Director
AIDS Institute

Charles John Gonzalez, M.D.
Medical Director
AIDS Institute

Helpful Resources for Providers:

- **Expect the Test** printed material, available in [16 languages](#) in both [brochure](#) and [poster](#) formats.
- **HIV Testing, Reporting and Confidentiality in New York State 2024 Update:** [Fact Sheet and Frequently Asked Questions](#)
- **Clinical Education Initiative (CEI) Training:** ceitraining.org
- **Clinical Guidelines Program:**
 - [HIV Testing and Acute HIV](#)
 - [Approach to Shared Decision-Making](#)
 - [Adopting a Patient-Centered Approach to Sexual Health](#)
 - [GOALS Framework for Sexual History Taking in Primary Care](#)
- **Dear Colleague Letter:** [Sequester Non-Finalized HIV Results \(September 2024\)](#)

