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ARNOLD SCHWARZENEGGER
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TO: ALL INTERESTED PARTIES

SUBJECT: ASSEMBLY BILL 682 – ELIMINATION OF WRITTEN CONSENT
REQUIREMENT FOR MEDICAL CARE PROVIDER-ORDERED HIV
TESTS

On January 1, 2008, Assembly Bill (AB) 682 (Berg, Chapter 550, Statutes of 2007) eliminated the requirement that patients must give written consent before their medical care provider can order an HIV test. Instead, medical care providers are now only required to provide information about HIV testing to patients and advise them they have a right to decline the test.

AB 682 adopted the September 2006 recommendations of the Centers for Disease Control and Prevention (CDC) (see *Revised Recommendation for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings*). CDC found that written consent was a barrier to routine HIV testing in clinical settings.

Some laboratories that administer HIV tests have expressed uncertainty whether AB 682 requires them to obtain a patient's written consent. According to the California Department of Public Health's (CDPH) Laboratory Field Services and Office of Legal Services, AB 682 does not require laboratories to obtain a patient's written consent prior to administering an HIV test. Laboratories are not authorized to administer HIV tests unless they were ordered by a medical care provider and AB 682 eliminated the written consent that medical care providers had been required to obtain from their patients for HIV tests.

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CDPH's Office of AIDS has developed a number of tools to educate and assist impacted parties in the implementation of AB 682. They can be accessed at www.cdph.ca.gov/pubsforms/forms/Pages/AIDS.aspx.

If you have additional questions, please contact Kama Brockmann at kama.brockmann@cdph.ca.gov or (916) 449-5964.

A handwritten signature in black ink, appearing to read "Michelle Roland". The signature is fluid and cursive, with the first name being more prominent.

Michelle Roland, MD, Chief
Office of AIDS