



MARK B HORTON, MD, MSPH
Director

State of California—Health and Human Services Agency
California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor

February 19, 2009

TO: ALL INTERESTED PARTIES

SUBJECT: ASSEMBLY BILL 2899 – SEXUALLY TRANSMITTED DISEASES: HIV
AND AIDS: COUNSELING

The purpose of this letter is to inform you of changes to the California Health and Safety (H&S) Code made by Assembly Bill (AB) 2899 (Portantino, Chapter 555, Statutes of 2008) which was signed by Governor Arnold Schwarzenegger and went into effect January 1, 2009. The bill allows the California Department of Public Health, Center for Infectious Diseases, Office of AIDS (OA)-funded test sites to make certain decisions independent of OA or local health jurisdiction (LHJ) direction. The law does not, however, override existing contracts between OA and its LHJ partners, or between LHJs and their locally-funded partners.

AB 2899 permits HIV testing sites funded by OA to: 1) advise a person seeking HIV testing who has been tested before and who is following appropriate risk-reduction measures that he or she does not require further education services; 2) determine if a person can self-administer data collection forms; and 3) provide prevention education through specified methods, as appropriate. The law neither requires nor prohibits OA and/or individual LHJs from issuing guidance to interpret the provisions of the law.

Option for Repeat Testers with Low Risk

AB 2899 states that OA-funded HIV testing sites are permitted to:

“(1) Advise a person who has been tested before and is following appropriate public health risk-reduction measures that the person does not need to receive further education services. This paragraph shall not apply to a person who engages in high-risk behaviors and is not following appropriate risk-reduction measures.”

OA is currently using several research methodologies, including a pilot study, to examine the question of whether or not people who frequently test for HIV should be

specifically offered the option to refuse counseling or prevention education, or should be counseled differently than people who have never tested for HIV. OA's pilot study is also examining the consequences of offering clients the option to refuse counseling. The pilot study examines the impact of this change on clinic flow, staff availability, and client satisfaction, and will provide OA with the necessary data to inform policy change. Results from this pilot study will be synthesized into specific program guidance. However, current law allows testing sites to act independent of and prior to that guidance.

Self-Administration of Data Collection Forms

AB 2899 also states that OA-funded HIV testing sites are allowed to:

“(2) Determine whether a person should be allowed to self-administer any data collection form required by the department.”

OA is anticipating implementing procedures which lessen the data burden on the clinics, by moving some data collection into the hands of the client and by using new technology to collect the data. A current pilot study will provide information on how best to self-administer the Client Information Form. When results of the pilot study are available, OA will develop related policies and protocols. However, AB 2899 allows individual HIV test sites to make decisions about the client self-administration of data collection tools regardless of OA and LHJ direction.

Provide Prevention Education through Various Methods

AB 2899 also states that OA-funded HIV testing sites are permitted to:

“(3) As appropriate, provide prevention education through video, small group, individual interaction, or other methods and in small groups or couples.”

These methods are currently reimbursable activities for OA-funded HIV testing sites, with the exception of couples' education. OA will develop guidelines for providing HIV testing-related education for couples, and will adapt the reimbursement schedule accordingly. In the meantime, sites who wish to begin providing couples' education immediately may do so by completing two Client Information Forms (one for each member of the couple) for the single counseling session.

All Interested Parties
Page 3
February 19, 2009

We will make the results of our pilot studies available to all LHJs as soon as they are available. In the meantime, if you have additional questions, please contact Sandy Simms, Chief, HIV Counseling, Testing, and Training Section, OA, at (916) 449-5538 or e-mail at: sandy.simms@cdph.ca.gov.



Michelle Roland, MD, Chief
Office of AIDS

cc: Ms. Sandy Simms, Chief
HIV Counseling, Testing, and Training Section
Office of AIDS
California Department of Public Health
MS 7700
P.O. Box 997426
Sacramento, CA 95899-7426

Brian Lew, M.A.
Acting Chief
HIV Education and Prevention Services Branch
Office of AIDS
California Department of Public Health
MS 7700
P.O. Box 997426
Sacramento, CA 95899-7426