

## By Randy Boyle

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**Question** : My client went to her physician for her prenatal care

**Answer : No, she is not required to take the test. The doctor**

HIV testing of pregnant women <sup>(1)</sup> before delivery <sup>(2)</sup> has been shown to <sup>(3)</sup> substantially <sup>(4)</sup> reduce the risk of mother-to-child transmission.

The 1996 reauthorization of the Ryan White CARE Act by the President Clinton Administration, which was signed into law in August 1996, required that all states have a policy in place by January 1, 1997, regarding mandatory HIV testing for pregnant women. (6) (7) (8) (9) (10)

According to an asymptomatic person, the CDC requires that all states have a policy in place by January 1, 1997, regarding mandatory HIV testing for pregnant women. (11) (12) (13) (14) (15) (16) (17) (18)

Even if a woman refuses to be tested for HIV, the CDC requires that all states have a policy in place by January 1, 1997, regarding mandatory HIV testing for pregnant women. (19) (20)

Mandatory testing in a woman's case is not required, but it is recommended. (21) (22)

Testing for HIV, as the other CDC guidelines require, should be done before a woman becomes pregnant. (23) (24)

Many states have laws regarding the confidentiality of HIV test results. (25)

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D. Hermann & Wegman, *Aspects of AIDS*, St. Paul, Minn: West Group, 1991.

D. Webber, editor, *AIDS and the Law*, 2nd Ed., Wiley Law Publications, 1991.

CDC. *Recommendations and Guidelines for HIV Testing*, MMWR 1994;43 (No. 11).

Institute of Medicine. *Reducing the Risks of HIV Infection*, Washington, DC: National Academies Press, 1994.

42 U.S.C. §300ff-33.

**42 U.S.C. §300ff-34(e)(2). The threat of a funding cut-off has not b**

**42 U.S.C. §300ff-36(a).**

**By "universal," the report recommends HIV testing of all women.**

**Reducing the Odds at 109-110.**

**Reducing the Odds at 110.**

**The study is cited in Reducing the Odds at 69-70.**

***Id* .**

***Id* .**

***Id.***

***Id.***

***Id.*** .

***Id.*** .

**E.g. Arkansas' law is entitled, "Testing of pregnant women requi**

**See e.g** . Indiana Stats. Annot. §16-41-6-4; N.Y Pub. Health

**Reducing the Odds at 17. Tests of newborns can also yield false**

**D. Webber, *supra* , §2.2**

*Id* .

See e.g. Calif. Health and Safety Code §§120990, 121020. Even in

*U.S. Public Health Service Regs (No. 1) at 8 for Human Immun*

D. Herman & Ws *Schur*gin, , §8:24 Supp.

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