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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 before delivery is important to reduce the risk of HIV transmission to the baby.

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 of universal HIV testing for pregnant women. (6) (7) (8) (9) (10)

According to an asymptomatic person, the only way to know if you have HIV is to get tested. (11) (12) (13) (14) (15) (16) (17) (18)

Even if a woman refuses to be tested for HIV, the law requires that she be offered the test. (19) (20)

Mandatory testing is not a requirement for all pregnant women. (21) (22) (23)

Testing for HIV, as the other CDC guidelines require, should be done in a confidential setting. (24) (25)

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(Public Health Service).

Institute of Medicine, *Reducing the Risks of HIV Infection*, Washington, DC: National Academy Press, 1991.

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. 195) at 8 for Human Immun

D. Herman & W. Schurgen, , §8:24 Supp.

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