



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

June 12, 2018

Dear Colleague:

I am writing to inform you of the most recent policy developments in support of New York State's efforts to end the AIDS epidemic by the end of 2020. Through amendments to key public health and education laws and regulations, New York State has further streamlined HIV testing, expanding minor access to HIV treatment and prevention, expanding access to HIV post-exposure prophylaxis (PEP) and expanding opportunities to screen individuals for sexually transmitted infections. A review of these important changes is outlined below.

HIV/AIDS Testing, Reporting and Confidentiality of HIV Related Information (10 NYCRR 63)

Final Notice of Adoption of updated regulations related to ***HIV/AIDS Testing, Reporting and Confidentiality of HIV Related Information*** was announced in the [New York State Register on May 17, 2017](#) (page 12). These regulations reflect updates to Public Health Law enacted through passage of Chapter 502 of the Laws of 2016. The principles of voluntary HIV testing and confidentiality of HIV-related information are as important today as they were in past years. The latest revisions reflect the state's continued effort to address the approximately 9,000 New Yorkers who remain unaware they are living with HIV and over 22,000 of the 113,000 persons living with diagnosed HIV who show no evidence of receiving HIV care in 2016.

Key provisions of the updated regulations include:

- Streamlining HIV testing by removing the requirement to obtain informed consent in writing or verbally;
- Offering HIV testing at least once as a routine part of health care to all individuals age 13 and older; specifically, removing the upper age limit of 64;
- Informing individuals before an HIV test is performed that HIV testing is voluntary and that no test shall be performed if the individual declines HIV testing; and
- Enhancing the sharing of data to promote linkage and retention in care.

Expansion of Minor Consent for HIV Treatment Access and Prevention

Final Notice of Adoption of updated regulations related to Expansion of Minor Consent for HIV Treatment Access and Prevention were announced in the [New York State Register on April 12, 2017](#) (page 4). New York Codes, Rules and Regulations, Title 10, Part 23 has long established the legal capacity of minors to consent to treatment and preventive services for sexually transmitted diseases (STDs). Provisions in Part 23 require that the Commissioner of Health promulgate a list of STDs. A 2016 amendment to Part 23 added HIV to the list of STDs, thereby bringing minor capacity to consent to HIV treatment and preventive services on par with other STDs.

The attached ***HIV Testing 2017-18: Fact Sheet, Frequently Asked Questions*** and ***HIV Testing Toolkit*** provide detailed information about implementation of the updated Public Health Law and regulations pertaining to HIV testing, reporting, sharing of data to promote linkage to care and minor consent for HIV treatment and prevention.

Updated HIV testing consumer education materials and clinic posters, using the theme “**Expect the Test**” have been developed. The latest materials can be found at:
<https://www.health.ny.gov/diseases/aids/consumers/testing/>.

The AIDS Institute will offer two webinars to share information about these updates as follows:

- **Updates to HIV Testing Procedures: A Review of New Regulations**
September 13, 2018, 12:15 – 1:15. Click [here](#) to register.
- **Understanding the Scope and Limits of Data Sharing to Promote Linkage to Care**
September 28, 2018, 12:15 – 1:15. Click [here](#) to register.

Changes in Education Law Impacting Access to PEP and STD Screening

Two important amendments in support of our efforts to end the epidemic outlined in Chapter 502 of the Laws of 2016 are being accomplished by regulations.

1. Adopted, effective June 28, 2017. Emergency regulations published in the [New York State Register on March 29, 2017](#) (page 5) amended scope of practice regulations to allow licensed pharmacists, when acting under a non-patient specific standing order from a licensed physician or nurse practitioner, to dispense seven days of PEP medication to individuals who present with a recent exposure to HIV. A pilot project, fact sheet and consumer education materials are under development. For more information about initiation of PEP in the pharmacy, please send an email to peppharmacy@health.ny.gov.
2. Adopted, effective June 28, 2017. Emergency regulations published in the [New York State Register on March 29, 2017](#) (page 8), allow registered professional nurses, under a non-patient specific standing order from a licensed physician or nurse practitioner, to medically screen at-risk persons for syphilis, chlamydia and/or gonorrhea infections. For more information, visit the webpage of the NYS Education Department’s Office of the Professions on [Non-Patient Specific Orders and Protocols](#).

These advances equip health care and other service providers with new tools and policy to promote HIV prevention and ensure that everyone living with HIV or another STD is aware of their status and engaged in care.

Your commitment to promoting access to HIV testing, prevention, health care and support services will help us meet the ending the epidemic goal of significantly reducing new HIV infections to fewer than 750 per year by the end of 2020. Questions about implementation of the updated public health law and regulations may be sent to hivtestlaw@health.ny.gov.

Sincerely,

Johanne E. Morne, MS
Director
AIDS Institute