

Bill	S3293/A7610	S4484/A7757	A7892	A4016	
Sponsor	Duane/Gottfried (NYSDOH Program Bill)	Huntley/Robinson	Towns	Mayersohn	CDC Recommendation
Consent	Written consent can be part of general consent to medical care w/an opt-out for HIV testing. Patient notified orally when tested, notification documented in the Medical Record	No separate written consent – general consent can be combined with general forms consenting to medical care	No written consent, consent can be combined with general forms consent to medical care; exception: written consent for rapid HIV test provided outside of Medical home.	No separate written consent, consent can be combined with general forms used to consent to medical care, notified of opt-out.	Screening should be incorporated into the general consent for medical care; separate written consent is not recommended.
Counseling	Prescribes specific language to be used in pre-test counseling. Allows providers to tailor post-test counseling for prevention messages if negative and treatment options if positive.	Maintains informed consent but eliminates required language for pre-test counseling; No post-test counseling for negative test results.	Maintains informed consent but eliminates required language for pre-test counseling (differs from S4484). No post-test required for negative test results.	Removes current pre-test counseling provisions required under current consent process. No post-test counseling required for negative test results.	Supports prevention counseling as intervention to help reduce risk for HIV, but should not be required with HIV diagnostic testing or as part of HIV screening programs in busy healthcare settings.
Follow-up Care	When test is positive, w/patients' consent, person ordering test must provide or arrange for follow-up medical care	Same	Same	Not included	
Occupational Exposure	If person lacks ability to consent and there is an occupational exposure, exposed person can request an anonymous test of source person	If source person lacks ability to consent and there is an occupational exposure, source person can be tested – test not anonymous.	If person lacks ability to consent and there is an occupational exposure, exposed person can request an anonymous test of source person	Not included	
Mandatory Offering	Mandatory offering of HIV test to persons ages 18-64 in ERs and certain other settings	Mandatory offering of HIV test to person ages 13-64 in ERs and certain other settings	Mandatory offering of HIV test to persons ages 13-64 in ERs and certain other settings	Not included	Testing for patients ages 13-64 in all healthcare settings after the patient is notified that testing will be performed unless the patient declines (opt-out screening).
Other Provisions	Allows disclosure of aggregate data for certain approved programs and to public health depts.; updated definition of HIV Testing, allows executors access to confidential HIV related information if necessary to the performance of their duties; requires a study of impact of law by 2011.	Allows a disclosure of aggregate data for certain approved programs and to public health depts.; updated definition of HIV Testing; allows executors access to confidential HIV related information if necessary to the performance of their duties	Allows disclosure of aggregate data for certain approved programs and to public health depts.; allows executors access to confidential HIV related information if necessary to the performance of their duties; requires a study of impact of law by 2011	None	