

Commissioner Frieden Says:

There are too many people in NYC who don't know their HIV status, so we need to change the law regarding informed consent and confidentiality.



We Say:

We share Commissioner Frieden's goal of getting more people tested, but disagree that the changes in the law that he proposes are either necessary to achieve that goal or wise. Commissioner Frieden's assertion that too many New Yorkers don't know their HIV status ignores some basic points.

First, Commissioner Frieden's proposals do not address the real barriers preventing people from receiving health care and getting tested for HIV, including the lack of high quality, culturally sensitive medical services in their communities and the difficulty in getting over the hurdles in signing up for insurance. For example, more than 600,000 New Yorkers are eligible for, but not enrolled in, government-funded health insurance.

Second, Commissioner Frieden's proposals do not address the need for additional HIV testing sites in key non-medical settings, including community-based organizations, drug treatment programs, homeless shelters and on Riker's Island. In fact, government funding for community-based HIV testing and prevention programs has recently been pulled from some of the communities hardest hit by the epidemic in the Bronx and Brooklyn.

Third, more people than ever are being tested, a sign that community efforts to raise awareness about HIV are working better than ever.

Dedicating scarce resources to monitoring and surveillance without any commitment to providing quality care and services to people in their own communities does not solve this problem.

Commissioner Frieden Says:

The requirement for pre-test counseling interferes with HIV testing and is a waste of resources.



We Say:

Pre-test counseling is central to informed consent, and rules have recently been amended to streamline the process. Commissioner Frieden's proposal to eliminate pre-test counseling denies people the information they need to meaningfully participate in decisions about their health care.

Testing people for HIV without their informed consent only plays into people's fears about "Big Brother" government surveillance and may make them even more hesitant to get the health care they need. Most people choose to get tested when it is offered to them in a supportive setting and they know treatment is available.

Pre-testing counseling is not a barrier to care; pre-test counseling is part of quality HIV care and services.

Are you concerned, too?

**Take action by contacting the
HIV Law Project today!**

212-577-3001

info@hivlawproject.org

Commissioner Frieden Says:

People don't get tested because the "special rules" around HIV testing create a stigma.



We Say:

We have specific rules about HIV testing because there is still stigma and discrimination associated with HIV. But medical providers can help eliminate the stigma surrounding HIV by integrating HIV testing into routine care. While the stigma is perhaps less than it once was, people with HIV continue to face mistreatment at home and discrimination by society. The fact that the law makes discrimination by employers, landlords and health care providers illegal does not mean that discrimination is not still a problem. And taking away people's ability to make informed decisions about their health care doesn't do anything to lessen the stigma around HIV.

Commissioner Frieden Says:

People don't get tested because the requirement that patients provide specific consent is too burdensome for medical providers.



We Say:

Medical providers make patients fill out paperwork all the time, including a number of forms required by the federal government. Administrative inconvenience is no justification for undermining a patient's right to make informed health care decisions. Commissioner Frieden's proposals are likely to be far more burdensome for doctors and may in fact deter them from integrating routine voluntary HIV testing into their practices.

Commissioner Frieden Says:

This plan is about getting care to people who aren't currently getting it.



We Say:

We agree that the government has an interest in ensuring that all people have access to quality health care, regardless of whether they live in Jackson Heights or the Upper East Side. This proposal does little to:

- (1) get quality health care services to areas of the city that are underserved;
- (2) address the poor quality of care and long wait times associated with care for low-income people who use Medicaid and other government health insurance in New York's hospital system;
- (3) address the inadequacies and failures of a health system that causes people to "drop out" of care or avoid care altogether; or
- (4) provide insurance to people who have no or inadequate coverage.

Saving lives and ensuring that people with HIV get the care they need requires more than a visit from a public health official. Structural changes are needed to stop the spread of HIV and save lives: permanent housing for all people with HIV, access to enhanced benefits from the HIV/AIDS Services Administration, and elimination of the widespread racial and ethnic health disparities currently plaguing the system.

There is a better way to fight HIV than taking away the legal rights of the people most affected by HIV/AIDS: people of color, women, men who have sex with men, and poor people.

Who's concerned about changes to HIV Testing rules?

We Are:



What
YOU can
DO

Contact your elected representatives in Albany and let them know that you oppose changes to the HIV informed consent and confidentiality laws.

To contact your State Senator:

Call the NY State Senate switchboard
518-455-2800
www.senate.state.ny.us

To contact your State Assemblyperson:

Call the NY State Assembly switchboard
518-455-4100
<http://assembly.state.ny.us/mem>

Urge your doctor to lobby against Commissioner Frieden's proposals.

Raise awareness in your community by talking to friends, neighbors and loved ones about this important issue

If you have questions, or want to know what you can do, contact the HIV Law Project:

212-577-3001
info@hivlawproject.org

Why
YOU

should be concerned about

Commissioner Thomas Frieden's

proposed

CHANGES

to rules on

HIV TESTING

