

# FLORIDA INFORMATION AND LAW ON HIV

In 2006, Florida was 2<sup>nd</sup> in reported AIDS cases and 5<sup>th</sup> in reported HIV cases amongst states that reported. The state reported more cases in heterosexuals (26%) in 2007 than the US rate (14%) in 2006 (2007 NA). The highest reported cases were in the counties of Broward, Miami-Dade, Duval and Orange in that order.



Twenty-nine percent of AIDS cases were female - that number has been increasing over the last 10 years. Thirty-eight percent of HIV cases were female – that number has been decreasing slowly over the last 10 years. The most common mode of transmission for men was male to male sex followed by heterosexual sex while intravenous drug use resulted in more AIDS cases. For females, the most common mode of transmission was heterosexual sex followed by IVDU

## FLORIDA LAW

Informed consent for HIV testing is required except as allowed by statute – these include prostitutes, inmates prior to release and testing by a medical examiner.

While highly encouraged when the test is positive, face-to-face post-test counseling to communicate results is not required. (Bureau of HIV/AIDS, FI Department of Health)

When communicating results, Florida law requires the following:

**Positive results** – info on preventing transmission; availability of medical and support services; importance of informing current and former (10 yrs) sexual or drug sharing partners of exposure risk. Provider should make effort to determine if notification was done

**Negative results** – information on prevention

Test results are confidential unless there was a prior authorization to release the results to someone else. Access to results limited to those healthcare staff who provide care (MD, RN, social worker) or who perform administrative duties AND handle body fluids AND have need to know to perform job properly. The exceptions to this are:

- Healthcare providers involved in the delivery of child may note a positive status of the mother on neonate's chart
- When reporting child abuse
- Between healthcare providers engaged in transfer of body tissue
- Healthcare facility committees (peer review, program monitoring)
- Medical or epidemiological researchers
- Adults caring for foster child or up for adoption
- Staff of residential facility caring for developmentally disabled persons if involved in care, control or custody of the subject

# FLORIDA INFORMATION AND LAW ON HIV (CONTINUED)

Healthcare Workers who experience significant exposure, or non-medical personnel who experience significant exposure while providing emergency care, have right to know the HIV status of the source individual. If the test results are known, the exposed individual has right to know it. If no test results are available, testing can be done without consent if there was blood drawn for another purpose or during emergency treatment. A physician must document that significant exposure occurred and the test results are necessary to determine treatment of exposed individual. THIS IS NOT INCLUDED IN THE SOURCE INDIVIDUAL'S MEDICAL RECORD.

The source patient must be given the opportunity to consent/refuse, or be unconscious or lost to discussion (e.g. dead, left). Licensed practitioners are required to report diagnosed or suspected diseases of public health significance. Testing must be offered to every pregnant female. If the patient refuses, the care giver must document the refusal. Testing should be offered during the 1<sup>st</sup> encounter and in 3<sup>rd</sup> trimester.

For patient handouts, go to <http://jama.ama-assn.org/cgi/content/full/300/5/614>. Additional information is available from the CDC, Florida Department of Health ([http://www.doh.state.fl.us/Disease\\_ctrl/aids/](http://www.doh.state.fl.us/Disease_ctrl/aids/)) or The Florida Caribbean AIDS Education and Treatment Center (<http://www.faetc.org/>).