Section 9 Clinical Policies Subject 9.3 Patient Rights **Policy 9.3.10 Consent for HIV Antibody Testing and for Disclosure of Results**	04/13/00-Originated 12/21/07-Reviewed w/changes -Reviewed w/o changes Legal -Author

Consent for HIV Antibody Testing and for Disclosure of Results

Policy

All UTMB healthcare workers will obtain informed consent for tests and procedures in accordance with state law. A properly executed general consent form is all that shall be required for HIV diagnostic testing. At that time, appropriate documentation will be completed and education will be given as mandated by state law.

UTMB strives to respect the diverse cultural needs, preferences, and expectations of the patients and families it serves to the extent reasonably possible while appropriately managing available resources and without compromising the quality of health care delivered.

Guidelines

The blood sample will be sent to Laboratory Sample Management. The documentation of informed consent or refusal will be retained as part of the patient's medical record.

Patients will be informed of the results of testing based on the information below in 'Disclosure of Results'. All seropositive patients will be offered counseling.

The identification of seropositive patients will not result in denial of needed care or provision of suboptimal care.

Informed Consent and Documentation

Informed consent shall be documented in one of the following ways:

- The general consent form which was signed by the patient upon admission to a UTMB hospital shall be used to document informed consent.
- A healthcare provider will document in the patient’s medical record that the test has been explained to the patient and that the patient has consented. In cases of occupational exposure, it shall be documented that the patient was the source of an occupational exposure and that lab tests were ordered.

Refusals

In accordance with Texas law, there are instances where HIV testing may occur without informed consent. One example may be an employee’s exposure to blood or other body fluids of a patient and the

Refusals,

patient refuses to consent for testing. In cases of refusal to consent to HIV testing, testing should not be performed unless the Department of

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Legal Affairs has been consulted and the refusal documented.

Disclosure of Results

Patients will be informed of test results for all situations. In the case of a negative test result, the result can be reported to the patient by any healthcare professional involved in the patient's care or otherwise authorized to release test results to the patient. In the case of a positive test result, the result will be called to a physician member of the service from which the test was ordered; and the physician will inform the patient. At that time, the physician will provide the patient individual, face-to-face post-test counseling in accordance with the Tex. Health and Safety Code.

A test result is confidential, and its unauthorized release is a violation of this policy and a criminal offense in Texas. Test results should be placed in the medical record and released only to those directly involved in the care of the patient, those who have a legitimate need to know, or as determined or required by law.

In cases of employee/student occupational exposure where the source patient refused consent for testing, the lab will report test results to the Employee Health Center or Student Health Services. The Pathology-Bloodborne Pathogens laboratory requisition on which the test results are reported will be shredded.

Note: In the case of mandatory HIV testing, the individual will be informed of their HIV status in the same manner as those who have voluntarily consented to the test.

References

Texas Health & Safety Code, §§ 81, 85.084-.085

IHOP Policy 9.2.11, *Confidentiality of Patient Information*

Healthcare Epidemiology Policy 1.27, Bloodborne Pathogens (BBP) - Occupational Post-Exposure Chemoprophylaxis