

Institutional Handbook of Operating Procedures

Policy 9.3.10

Section: Clinical	Responsible Vice President: Senior Vice President, Legal and Regulatory Affairs
Subject: Patient Rights	Responsible Entity: Department of Legal Affairs

I. Title

Consent – HIV Antibody Testing and Disclosure of Results

II. 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.

III. Guidelines

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

IV. Informed Consent and Documentation

- A. Consent to be tested for HIV antibodies will be obtained in accordance with the following:
 - 1. A patient that has signed a general consent form upon admission to a UTMB hospital, is not required to sign or be given a specific consent form related to testing for HIV antibodies.
 - 2. A healthcare provider will explain the test to the patient and document in the patient's medical record that the test has been explained and that the patient has consented or refused.
- B. In cases of occupational exposure, it will be documented that the patient was the source of an occupational exposure and that lab tests were ordered.

V. Refusal to Consent

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 patient refuses to consent for testing. In cases of refusal to consent to HIV testing, testing should not be performed unless the Department of Legal Affairs has been consulted and the refusal documented.

VI. Disclosure of Results

- A. Patients will be informed of test results for all situations.
 - 1. Negative result: 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.
 - 2. Positive result: 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. The physician will provide the patient the opportunity for individual, face-to-face post-test counseling in accordance with the Tex. Health and Safety Code.

- B. 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.

- C. In cases of employee or 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.

VII. Relevant Federal and State Statutes

Texas Health & Safety Code, §§ [81](#), [85.084-.085](#)

VIII. Related UTMB Policies and Procedures

[IHOP Policy 9.3.17 Consent – Overview and Basic Requirements](#)

IX. Additional References

[Healthcare Epidemiology Policy 1.02, Blood Borne Pathogens \(BBP\) - Occupational Post-Exposure Prophylaxis](#)

X. Dates Approved or Amended

<i>Originated: 4/13/2000</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
12/21/2007	07/06/2015

XI. Contact Information

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