

**§19204-A. Counseling new HIV cases**

Except as otherwise provided by this chapter, persons who test positive for HIV infection must be offered post-test counseling. Persons who are authorized by section 19203-C or 19203-F to receive test results after exposure must be offered counseling regarding the nature, reliability and significance of the HIV test and the confidential nature of the test. Persons offered counseling under this section may decline the offer by signing a waiver stating that counseling has been offered and is being declined. [PL 2007, c. 93, §3 (AMD).]

**1. Pretest counseling.**

[PL 2007, c. 93, §3 (RP).]

**2. Post-test counseling.** "Post-test counseling" must include:

## A. Personal counseling that includes, at a minimum, a discussion of:

- (1) The test results and the reliability and significance of the test results. The person providing post-test counseling shall communicate the result confidentially and through personal contact;
- (3) Information on good preventive practices and risk reduction plans; and
- (4) Referrals for medical care and information and referrals for support services, including social, emotional support and legal services, as needed; [PL 2007, c. 93, §3 (AMD).]

## B. An entry in the medical record of the person being counseled summarizing the contents of the discussion; and [PL 2001, c. 647, §2 (AMD).]

## C. The offer of face-to-face counseling. If the subject of the test declines, the provider of the test may provide an alternative means of providing the information required by paragraph A. [PL 1995, c. 404, §15 (NEW).]

[PL 2007, c. 93, §3 (AMD).]

**3. Preventive practices.**

[PL 1987, c. 811, §8 (RP).]

**4. Referrals.**

[PL 1987, c. 811, §8 (RP).]

**5. Written information to person being counseled.** To comply with the requirements of this section regarding post-test counseling, in addition to meeting the requirements of subsection 2, the provider of an HIV test shall give to the person being counseled a written document containing information on the subjects described in subsection 2, paragraph A.

[PL 2007, c. 93, §3 (AMD).]

**SECTION HISTORY**

PL 1987, c. 443, §2 (NEW). PL 1987, c. 539 (RPR). PL 1987, c. 811, §8 (RPR). PL 1991, c. 803, §4 (AMD). PL 1995, c. 319, §5 (AMD). PL 1995, c. 404, §15 (AMD). PL 1995, c. 625, §A15 (AMD). PL 2001, c. 647, §§1-3 (AMD). PL 2007, c. 93, §3 (AMD).

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