

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor


Celeste Philip, MD, MPH
Surgeon General and Secretary

Vision: To be the Healthiest State in the Nation

MEMORANDUM

DATE: September 19, 2018

TO: CHD Health Officers
CHD Medical Directors
CHD Nursing Directors

FROM: Carina Blackmore, DVM, PhD, Dipl ACVPM 
Director, Division of Disease Control and Health Protection
and State Epidemiologist

SUBJECT: Opt-Out HIV Testing in Health Care Settings Statute and Rule Changes

The Florida Department of Health (Department) staff has revised Florida Administrative Code Rule 64D-2.004 and the Model Protocol for HIV Testing in Health Care Settings to reflect changes in the HIV testing statute. There was no change in the law or rule regarding non-health care settings.

Summary of section 381.004, Florida Statutes, changes:

In health care settings, it is **no longer required** to notify clients that a positive HIV test result, along with identifying information, will be reported to the county health department, nor of the availability and location of sites at which anonymous testing is performed.

These changes align Florida more closely with the CDC 2006 Revised Recommendations for HIV Testing in Adults, Adolescents and Pregnant Women and the U.S. Preventative Services Task Force (USPSTF) 2013 Updated Recommendation for HIV Screening. The USPSTF released an updated recommendation statement on screening for HIV, giving a Grade A recommendation for routine screening for HIV infection in adolescents and adults 15–65 years old. The Grade A rating indicates that all primary payers, including Medicaid and Medicare, will be required to cover routine HIV screening, and as such, may be a reimbursable service.

Model protocols for HIV testing in health care and non-health care settings are available on the Department's HIV Prevention website at, www.floridahealth.gov/diseases-and-conditions/aids/prevention/testing-counseling.html.