

**Vermont Department of Banking, Insurance, Securities
& Health Care Administration**

Insurance Division Bulletin 138: HIV Testing Information & Consent Form

The purpose of this bulletin is to notify insurers that effective July 1, 2001, Title 8 V.S.A. 4724(20), regarding HIV testing and consent, was amended by Act No. 23 of the 2001 legislative session. This bulletin supplements Bulletin 92, Aids Testing Requirements, issued in 1988, and provides guidelines for compliance with the law, as amended. Insurers are advised to review the law as amended and Bulletin 92.

Significant changes to the law include:

-The law now permits the use of urine and oral fluids (OMT) as test samples, in addition to blood samples.

-Any testing procedure must be approved by the commissioner prior to its use. (Listing of approved procedures are available on the department's website).

-Any laboratory used to process HIV-related tests must be approved by the Vermont Department of Health prior to its use. (Listing of approved laboratories are available on the department's website)

-Written consent of an individual is still required, and the mandatory disclosure statement must now include the following additional disclosures:

1. the availability of information from and the telephone numbers of the Vermont AIDS Hotline and the Centers for Disease Control and Prevention; and,
2. that any HIV positive test result shall be reported to the Vermont Department of Health by a unique identifier code pursuant to 18 V.S.A. §1001.

-If an OMT test is administered in the presence of an insurance agent or broker, the individual's written consent need only be obtained prior to administering the test.

-If the result of any test performed on a sample of urine or OMT is positive or indeterminate, the insurer shall provide to the individual, no later than 30 days following the date of the first urine or OMT test results, the opportunity to retest once, and the individual shall have the option to provide a blood, urine or OMT sample for that retest. This right to have a retest is in addition to any other rights to retest under the law.

The forms for consent, disclosure and notification of test results must be filed with and approved by the commissioner prior to their use. Copies of model forms and directions on filing HIV-related forms are available on the department's website.

All insurers who intend to test must file disclosure documents that conform to the new law for approval by the department. The department has drafted model forms: **HIV TESTING INFORMATION STATEMENT & CONSENT FORM** (VT 88-1 Rev. 02/02) and **Vermont Notification of Test Result Letters** (VT-88-2, 3, 4, 5 Rev. 02/02), for insurers to consider using. Use of these forms will result in an expedited approval.

Questions should be directed to:

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Dated at Montpelier, Vermont on this 04 day of March, 2002.

Elizabeth R. Costle, Commissioner