Senator Bailey, Representative Perry and members of the Health Coverage, Insurance and Financial Services Committee, please accept this written testimony in opposition to LD 1736, “An Act to Advance the National HIV/AIDS Strategy in Maine by Broadening HIV Testing” on behalf of MaineHealth and Northern Light Health.

Both Northern Light Health and MaineHealth strongly support increasing access to HIV testing and policies that move us closer toward the goal of eliminating 75% of new HIV infections by 2025 and 90% by 2030 (HIV National Strategic Plan), but we cannot support the legislation before you today as drafted.

Section 1 of the bill requires providers offer an HIV test to a patient 13 years of age or older receiving care in a hospital or urgent care facility regardless of the reason they presented to facility. We will highlight our concern with an example of patient impact. For example, when a male adolescent is injured and presents to a health care location identified in Section 1 of the bill, it is not medically warranted to offer a 13-year-old who sprained their ankle playing in a school soccer game an HIV test.

It is also important to note that HIV test results are protected by privacy laws. Maine’s privacy law places that portion of the medical record behind a second privacy wall. That second wall is the HIV privacy law 5 MRSA §19203-D. When a person is given an HIV test, the person is asked whether the test result information should be available to other providers like the rest of their medical information. If the person declines, then other licensed caregivers cannot access the information without a specific authorization.

Additionally, in the May 8 public hearing, insurance carriers testified in opposition to this bill and Committee members asked if advocates would support stripping the coverage mandate from LD 1736. We are concerned that should Section 1 remain, but the coverage mandate be stripped, carriers will not reimburse providers for the HIV test provided to the 13 year old with a sprained ankle because it is not a medically necessary part of the visit.

We would also remind the Committee that it unanimously defeated similar legislation in the 128th Legislature (LD 531, “An Act Regarding the Drug Crisis and Ensuring Access to HIV Testing).

Thank you for your consideration and we will be present at the Work Session.