

# SB2851

**Measure Title:**  
RELATING TO HEALTH.

**Report Title:**  
HIV Testing; Appropriation (\$)

**Description:**  
Amends the informed written consent and pre-test counseling requirements to provide for voluntary HIV testing as a routine part of clinical care. Makes an appropriation.

**Introducer(s):**  
BAKER, IGE

**Current Referral:**  
HTH, WAM

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**Senate Committee on Health**

**S.B. 2851, Relating to Health**

**Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health**

**February 13, 2008, 1:15p.m.**

1 **Department's Position:** The Department appreciates the intent of this bill to increase the number of  
2 individuals getting tested for HIV and knowing their HIV status, however, we must respectfully oppose  
3 the measure at this time until the Department and the community can complete examination and careful  
4 deliberations regarding the relative costs and benefits for Hawaii, and learn from the experience of other  
5 states where the recommendations have been implemented. The Department also opposes the bill  
6 because it would adversely impact priorities as set forth in the Executive Supplemental Budget.

7 **Fiscal Implications:** This bill does not specify the amount of funds to be appropriated and solid  
8 estimates can not be developed without more details. HIV testing for 150,000 individuals annually for  
9 example, would cost approximately \$2.2 million annually for supplies alone without personnel,  
10 laboratory or necessary costs added in.

11 **Purpose and Justification:** The purpose of this bill is to support CDC's recommendations to increase  
12 routine HIV testing of all patients aged 13 to 64 years (estimated to be over 860,000 individuals)  
13 in health care settings by removing the provision in current State law requiring health care providers to  
14 obtain written informed consent. The measure proposes to alter the standard of medical care in the  
15 community, raises confidentiality and civil liberties concerns, and offers an uncertain public health  
16 benefit for Hawaii considering the costs of implementation. The proposed change is premature at this

1 time as careful deliberation on CDC's HIV testing recommendations are taking place now both  
2 nationally and in Hawaii.

3 Thank you for the opportunity to provide testimony on this measure.



# Life Foundation

## WRITTEN TESTIMONY

Senate Committee on Health  
Wednesday, February 13, 2008  
1:15p.m. in Room 016

### SB 2851 RELATING TO HEALTH

Chairman Ige and members of the Committee on Health:

Life Foundation, Hawaii's oldest and largest AIDS organization, would like to be recorded **in opposition to this bill at this time** while recognizing its positive intent and acknowledging that changes of the nature anticipated by this bill are likely to be put into practice in the not too distant future.

We understand that the purpose of this bill is to effectuate the recent recommendations of the U. S. Centers for Disease Control and Prevention (CDC) relative to HIV testing. There is great value in knowing your HIV status. If you test positive for HIV, you can take advantage of the many lifesaving medications that have been available for a dozen years and you can make sure you take steps to avoid passing the virus on to anyone else.

At the Life Foundation, we have been involved in HIV prevention efforts and HIV testing for many years. In the past few months, we have begun to offer the 20 minute HIV rapid test and have tested about 700 people. Of these, 8, or about 1% have tested positive.

**Suggestion:** There may well be substantial merit in the CDC recommendations and, as a result, in this bill. We feel, however, that a broader discussion should occur so that everyone who is concerned about the issue can be fully informed and fully heard to a degree not possible at a legislative hearing. Perhaps the Health Department could convene such a gathering. The legislature would benefit from this discussion and the like consensus that would emerge. You could then revisit this in the 2009 session. By then, there will also be more information from CDC and other states about the pros and cons of the testing recommendations.

Thank you for your consideration.

Paul S. Groesbeck  
Executive Director

Phone: 853-3234  
Email: [pgroesbeck@lifefoundation.org](mailto:pgroesbeck@lifefoundation.org)

FIGHTING AIDS  
IN HAWAII  
AND THE PACIFIC

677 AIA MOANA BLVD.  
SUITE NO. 226  
HONOLULU  
HAWAII  
96813

FAX 808 / 521 1279  
PHONE 808 / 521 2437  
[www.lifefoundation.org](http://www.lifefoundation.org)

**testimony**

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**From:** DaCoconutWireless [DaCoconutWireless@hawaii.rr.com]  
**Sent:** Tuesday, February 12, 2008 9:26 AM  
**To:** testimony  
**Subject:** SENATE BILL SB 2851 - Supports the Intent Only of this Measure

**SENATE BILL SB 2851 – Supports the Intent Only of this Measure**

Senator David Y. Ige, Chair  
Senator Carol Fukunaga, Vice Chair  
**COMMITTEE ON HEALTH**

**Scott Orton**, an HIV/AIDS Awareness Advocate  
1130 Hassinger St. #3A  
Honolulu, HI 96822 (808) 383-2016

**NOTICE OF HEARING**

Wednesday, February 13, 2008, 1:15 PM  
Conference Room 016  
State Capitol  
415 South Beretania Street

**SENATE BILL SB 2851 – Supports the Intent Only of this Measure**

**RELATING TO HEALTH.**

Amends the informed written consent and pre-test counseling requirements to provide for voluntary HIV testing as a routine part of clinical care. Makes an appropriation.

Aloha Senator David Y. Ige, Chair, Senator Carol Fukunaga, Vice Chair, and Committee Members,

My Name is Scott Orton, and I was diagnosed as living with HIV/AIDS on Valentines Day, 2000. And since then I have been very sick, recovered, and have assisted many living with HIV to cope with the many problems associated with the disease.

**There are issues with SB 2851, that are not supported by me and the HIV community.** Although, we generally support the intent of this bill. Peter Whitar, STD/AIDS Prevention Branch chief, recently stated in the Hawaii HIV/AIDS Community Planning Group, (CPG), that the Department of Health, (DOH) supports the intent of this measure, but does not support this bill.

The community at large supports more anonymous testing. With testing at the clinics, the patient may encounter unintended adverse consequences. This would eliminate pre-test counseling, also where anonymous testing might be more appropriate.

There are issues of who will be paying for this test. This bill would appropriate money from State Funds, and I believe that your insurance should pay for the routine testing. Also at issue, is that if you test positive this becomes part of your medical record, your name will be reported to the State, as required by names reporting, that is soon to be implemented in the State of Hawaii.

Life Insurance could be denied as well as other employment problems, after having been denied life insurance offered by an employer. Also, maybe being fired because your employer finds out that you're HIV positive.

All of this without having information on your testing options, pre-test counseling, and given that you could have anonymous testing. Stigma is still with us in regard to employment, insurance, and personal privacy.

Love and Aloha,

Scott Orton, an HIV/AIDS Awareness Advocate

**SENATE BILL SB 2851 – Supports the Intent Only of this Measure**

Bcc: Dacoconut Wireless Members