



December 19, 2011

Nirav Shah, MD, MPH
Commissioner
New York State Department of Health

Dear Dr. Shah:

On behalf of the HIV Health and Human Services Planning Council of New York (Planning Council), I write to support the regulations for HIV testing issued by the New York State Department of Health on November 2, 2011. The Planning Council is comprised of health care and social service providers, advocates, governmental representatives, and consumers, and members have many years of collective experience in the intricacies of HIV testing and linkage to care and recognize the comprehensiveness and thoroughness of your proposed regulations. In particular, we salute the following features of the regulations:

- **Mandatory offering of HIV testing to everyone between 13 and 64 years of age obtaining hospital or primary care services and mandatory offering of linkage to care for confirmed positive diagnoses will identify new cases and connect them with treatment services.**
- **Consent for HIV testing can be part of a general durable consent to medical care, providing that opt-out language for HIV testing is included. Consent can be oral but must be noted in the medical record. This provision means that no extra burden is imposed on the health care provider offering the test.**
- **No additional costs are associated with the regulations, and long-term costs may actually be reduced because people tested early can be treated before falling very ill and requiring more expensive care for opportunistic infections. Early testing and treatment also reduces community viral load and, therefore, the chance that additional individuals will become infected. Each additional case prevented saves \$367,134 in projected lifetime health care costs.**

- No additional data reporting is necessary, meaning that there is no additional burden imposed on providers or on administrative staff.

I commend you for the comprehensiveness of the proposed regulations and strongly urge you to adopt them permanently. The views expressed in this letter do not necessarily reflect the positions of the Mayor or the Commissioner of Health of the City of New York.

Sincerely yours,

Dorella Walters
Community Co-Chair

cc: Thomas Farley, MD, MPH
Jan Carl Park, Governmental Co-Chair