Requirement to Provide Written Materials for HIV Testing Waived

In a Memo dated June 5, 2015, the Assistant Deputy Under Secretary for Health for Clinical Operations (10NC) notified VA facilities that with the publication of VHA Directive 1113, Testing for Human Immunodeficiency Virus in Veterans Health Administration Facilities (May 5, 2015), VHA has effectively waived the pre-existing requirement at paragraph 13.a.(7) in VHA Handbook 1004.01, Informed Consent for Clinical Treatments and Procedures (August 14, 2009). This requirement specifies that practitioners provide written educational materials to patients recommended for HIV testing. The requirement in VHA Handbook 1004.01 will be officially rescinded when that Handbook is re-issued (in 2017 or later).

Rationale for waiving requirement to provide written materials

The rationale for VHA’s waiver of this policy requirement is that improvements in HIV treatment, and emphasis on de-stigmatization of the disease, have made this enhanced protection unnecessary. In addition, the logistical challenge of providing written materials prior to testing may pose an unacceptable barrier to HIV testing, thus preventing early diagnosis and improved clinical outcomes for HIV-positive patients and decreased risk of transmission to others.

All other requirements related to oral informed consent for testing remain the same

This change does not remove or waive the still-applicable legal and policy requirements to obtain full, informed and voluntary oral consent prior to HIV testing to include discussion of the risks and benefits of, and alternatives to, testing [see Handbook 1004.01, para. 13; Directive 1113, paragraphs 1, 3, 4.e.(3)]. Written educational materials no longer need to be supplied to the patient as part of the informed consent process for HIV testing. All other requirements related to oral informed consent for testing remain the same.

Despite this policy change, clinicians are still encouraged to provide written educational materials about HIV testing and disease to patients for whom they determine it would be beneficial or to those who request such materials. These materials can be found on VHA HIV website: http://www.hiv.va.gov/patient/basics/index.asp

Resources

- Memorandum “Waiver of requirement to provide written educational materials for HIV testing”
- VHA Directive 1113, Testing for Human Immunodeficiency Virus in Veterans Health Administration Facilities
- VHA Handbook 1004.01, Informed Consent for Clinical Treatments and Procedures.

For more information on informed consent, go to the NCEHC Index of Publications and scroll down to “Informed Consent.”