



STATE OF MARYLAND

**DHMH**

Maryland Department of  
Health and Mental Hygiene



June 2010

Dear Physician:

The Maryland Department of Health and Mental Hygiene (DHMH) and the Maryland State Medical Society (MedChi) are writing to you to inform you about **important changes in Maryland's HIV testing law**, especially as it pertains to pregnant women. New regulations were issued in December 2009 in accordance with the 2008 HIV/AIDS Counseling and Testing Law, and an informative new physician toolkit has been developed to assist you in implementing these changes in your practice.

Effective July 1, 2008, Maryland law modified the documentation of informed consent in health care settings, the pre-test counseling process requirements, the referral requirements, and the offering of HIV testing for pregnant women. Maryland law maintains the individual's right to provide informed consent without impacting the provision of health care. It requires that in health care settings only verbal informed consent be documented in the patient's medical record. An obstetrics provider need only document the declination of consent in the medical record.

The enclosed toolkit provides materials and forms to aid physicians in complying with the current laws. The Infectious Disease and Environmental Health Administration worked in close collaboration with the Center for a Healthy Maryland, the charitable and educational arm of MedChi, The Maryland State Medical Society, to develop these materials for your practice, as well as educational materials for your patients. The packet includes patient counseling, testing and referral requirements, a set of frequently asked questions, a patient brochure, and information about best practices in perinatal HIV testing.

If you require additional information, please feel free to contact William Honablew Jr., Chief of Policy and Public Information, at DHMH, Infectious Disease and Environmental Health Administration at 800-358-9001. For more information regarding the Medical Society's HIV/AIDS efforts, please contact Erin Johnson at [ejohnson@medchi.org](mailto:ejohnson@medchi.org) or 800-492-1056 x3342, or visit [www.healthymaryland.org](http://www.healthymaryland.org).

Thank you for your cooperation in this important public health activity.

John M. Colmers  
Secretary  
Maryland Department of Health and Mental Hygiene

Murray Kalish, MD, MBA  
President  
The Maryland State Medical Society