



HIV Testing & Sexual Assault

Some hospitals across Pennsylvania routinely test for the HIV virus during the sexual assault forensic exam. This bulletin contains information and resources on when HIV testing would be considered appropriate. In the majority of sexual assault cases, HIV and HIV post-exposure prophylaxis treatment (HIV PEP) is not warranted.

AIDS is the acronym for Acquired Immune Deficiency Syndrome, a disease caused by the Human Immunodeficiency Virus (HIV). HIV attacks the immune system, the body's line of defense against disease and infections. When the immune system breaks down, or becomes susceptible to serious, often deadly infections and cancers called opportunistic infections," so named because they take advantage of the body's weakened defenses. (PA Department of Health Web site)

HIV Post-Exposure Prophylaxis (PEP) treatment is the use of antiviral drugs as soon as possible after exposure (or suspected exposure) to HIV to prevent HIV infection. PEP is a four-week program of two or three antiviral medications, several times a day. The medications have serious side effects that can make it difficult to finish the program. PEP is not 100% effective; it cannot guarantee that exposure to HIV will not become a case of HIV infection. (Adapted from AIDS.ORG Web site)



Please find out if your county sexual assault forensic exam sites are testing victims for HIV. Share this information with them and express your concern for victims. If you have questions, please call PCAR's Medical Advocacy Coordinator at 800.692.7445, ext. 132.

Testing a victim for HIV during a forensic exam is generally not in the best interest of the victim, (except under certain circumstances delineated on page 2) for the following reasons:

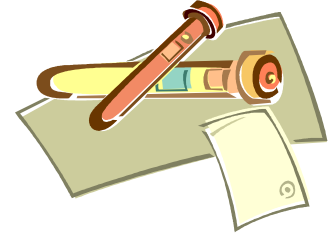
- ◆ After a sexual assault, most victims are not in the appropriate state of mind to consent to testing or to fully hear the pre-test counseling required by law.
- ◆ Such testing could add to the trauma the victim already has experienced.
- ◆ Testing at this time will only determine if the victim already had the HIV virus prior to the sexual assault.
- ◆ The results of the test will go on the victim's permanent medical record. Even if the results do not become a part of the patient's medical record, which would be released upon general consent for release of medical information, the order for the test and other notes indicating that HIV testing was done will become a part of the medical record. Subsequently, this information could become part of the criminal record.
- ◆ Pre-test counseling is required by law in Pennsylvania. Such counseling might or might not be available to victims in the emergency department.



With some exceptions, most victims should be directed to an anonymous HIV testing site. One of these testing sites should be available in your county. It may be a state health center. Make sure your center advocates and volunteers know where to refer clients. Visit www.health.state.pa.us for the testing site nearest you. It is important to explain to healthcare providers that such testing and other follow-up medical care will be encouraged by the sexual assault crisis center.

If HIV PEP is anticipated, baseline HIV testing is indicated and should be performed in the emergency department before the patient is released on HIV PEP. According to the Office on Victims of Crime *Sexual Assault Nurse Examiner Development and Operation Guide*, written by Linda Ledray, RN, PhD, SANE, HIV testing and HIV PEP may be warranted if the following high-risk factors were involved in a sexual assault:

- ◆ Anal rape
- ◆ Vaginal rape when other STDs are present that would threaten the integrity of the vaginal mucosa
- ◆ Vaginal rape with traumatic tearing injury
- ◆ Known or suspected HIV-positive offender



Risk of HIV infection may also depend on the rate of the HIV infection in the demographic area.

Testing Perpetrators for HIV

35 P.S. § 7608 allows sexual assault victims to petition the court to learn the HIV status of their perpetrators. A victim can ask the district attorney to file a petition on her/his behalf to learn this information. Another possibility is for a victim to file her/his own petition in the court of common pleas. A hearing will then be scheduled and a judge will make a ruling on the petition. Specific conditions for the court order are denoted in the statute.

Because information and medical technology in the field of HIV/AIDS continually changes, be sure to consult your county testing site or the PA State Health HIV/AIDS hotline for recommended guidelines on testing frequency. You can find your county's anonymous testing site by logging on to www.health.state.pa.us or looking in your local phone book under HIV/AIDS.

Resources

The following resources provide information on HIV/AIDS:

PA HIV/AIDS State Health Center Hotline:
1-800-662-6080

PA Department of Health Web site:
www.health.state.pa.us

AIDS Info, A service of the US Department of Health and Human Services Web site:
<http://aidsinfo.nih.gov>

SANE Development and Operation Guide:
www.sane-sart.com

AIDS.org Web site:
www.aids.org/FactSheets/154-pep.html

Copies of the following sample protocols and laws on HIV/AIDS can be obtained through PCAR's Medical Advocacy Coordinator:

HIV Post-Exposure Prophylaxis (PEP) for Victims of Sexual Assault 13 Years of Age or Older, *Pinnacle Health Hospitals Harrisburg Hospital SAFE Unit*

HIV/AIDS Service Recipients — A SA/DV Center Policy for Clients and Staff, *Blackburn Center Against Domestic and Sexual Violence*

The Pennsylvania Confidentiality of HIV-Related Information ACT (Act 148)

Court-Ordered HIV Testing Statute
35 P.S. § 7608

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