Spousal Notification

Summary

The Ryan White CARE Act Amendments of 1996 require all states to make a good faith effort to notify a spouse of a known HIV-infected patient that he or she may have been exposed to HIV and should seek counseling and testing. **Failure to fulfill this requirement will jeopardize Ryan White CARE Act grant funds for the State of Texas.**

As of April 1, 1997, the Texas Department of State Health Services will provide information on spousal notification requirements and procedures to all individuals reporting cases of HIV infection and AIDS. The procedures require that a person diagnosed with HIV infection or AIDS be (a) asked if they have, or have had, a spouse (as defined below) and (b) informed that he or she should notify their spouse or former spouse(s) of the potential exposure to HIV. The procedures will outline what services are available for reporting individuals who request assistance with the notification process.

Definition of Spouse

A spouse is defined as "any individual who is the marriage partner of an HIV-infected patient, or who has been the marriage partner of that patient at any time within the 10-year period prior to the diagnosis of HIV infection."

Effective immediately, the policy of the U.S. Centers for Disease Control and Prevention (CDC) policy is to treat same-sex marriages on the same terms as opposite-sex marriages for the purposes of spousal notification. Any reference in the CDC's 2008 Partner Services Guidelines and the Partner Services Providers Quick Guide to "spouse," "couple," or "marriage" now includes individuals of the same sex who are legally married under the law of a state, territory or foreign jurisdiction, as long as a U.S. jurisdiction would also recognize the marriage.

In addition, all Guideline and Tool references to "family" or "family member" now include both those individuals described in the previous sentence as well as the dependents of those individuals' marriages. This applies regardless of whether the couple now lives in a jurisdiction that recognizes same-sex marriage or a jurisdiction that does not recognize same-sex marriage.

If two persons consider themselves married and represent themselves as such, they should be considered married for spousal notification purposes.

Spousal Elicitation

When discussing partners in a counseling session, every HIV-infected patient must be asked questions such as:

- "Who have you been married to in the last 10 years?"
- "How many people have you considered yourself married to since ____ (10 years before testing HIV positive)?"
- "What has your marital status been during the past 10 years?"

All spousal elicitation efforts should be documented in case management notes.

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Reasonable efforts must be made to determine if each HIV-infected patient intends to notify his/her spouse/former spouse(s) of the possible exposure to HIV or agrees to have a qualified health department disease intervention specialist (DIS) notify them.

Culturally competent partner notification services are available through local and regional STD control programs at health departments around the state. No information leading to the identity of the HIV-infected person will be revealed to the spouse by the DIS making the notification.

If the HIV-infected person indicates his or her intent to notify the spouse, culturally competent counseling and educational services on the following issues should be made available:

- How to make the notification
- How to preserve the confidentiality of both the HIV-infected person and the spouse
- How HIV transmission and infection can be prevented
- How the spouse may access counseling, testing, other prevention services, and treatment.

Providers must implement reasonable procedures to ensure that notified spouses receive referrals for HIV counseling, testing, other prevention services, and treatment.

NOTE: Combinations of the two notification methods are acceptable. For example, a person may decide to inform her/his current spouse and choose health department notification for the former spouse(s), especially if the former spouse(s) live out of town.

Legislation Referenced

Ryan White CARE Reauthorization Act (Public Law 104-146), Section 8(a)

For HIV/STD testing locations in Texas, call: 2-1-1

For other HIV/STD questions, call:
1 (800) CDC-INFO (English/Español)
1 (888) 232-6348 (TTY)

For more information, go to: www.dshs.state.tx.us/hivstd

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