



Center for Medicaid and State Operations

SHO # 09-007

June 24, 2009

Dear State Health Official:

Every year, National HIV Testing Day is held on June 27th. This is an annual occasion when the Department of Health and Human Services, along with the National Association of People with AIDS (the original sponsor of National HIV Testing Day), state and local health departments, community based organizations and other entities promote HIV testing to encourage knowledge of serostatus as a first step to linking people living with HIV into care. In support of this initiative, we would like to make you aware of current recommendations from the Centers for Disease Control and Prevention (CDC). CDC recommends that opt-out HIV screening be a part of routine clinical care in all health-care settings for all adults and adolescents aged 13-64. Opt-out screening preserves the patient's choice to decline HIV testing and ensures a provider-patient relationship conducive to optimal clinical and preventive care. These recommendations were published in the September 22, 2006 issue of the *Morbidity and Mortality Weekly Report*, and may be found at <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5514a1.htm>.

We are using this opportunity to explain the policies of the Medicaid and Children's Health Insurance Program (CHIP) programs regarding the coverage of HIV testing and HIV screening. We also note that such services are subject to the confidentiality protections under the Health Insurance Portability and Accountability Act of 1996, including the implementing regulations at 45 C.F.R. Part 164, Subpart D, and applicable State privacy laws.

We encourage you to post information about Medicaid and CHIP coverage of HIV testing on your websites or link to HIVtest.org. This site provides links to resources and information about local *National HIV Testing Day* events across the nation. HHS launched the "I know I took the Test!" story widget which profiles individuals sharing their experiences taking an HIV test. We also suggest adding this widget (http://www.aids.gov/national_hiv_testing_day/index.html) to your website.

Medicaid Coverage of HIV Testing

Under the Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefit described in sections 1905(a)(4)(B) and 1905(r) of the Social Security Act ("the Act"), Medicaid-eligible children under the age of 21 are covered for HIV testing. This includes routine testing/screening for Medicaid-eligible children at State-specified intervals as part of the child's well-child exam, and otherwise medically necessary HIV testing. Routine HIV testing/screening for such children is covered by States under the preventive or screening benefit in section 1905(a)(13) of the Act,

and otherwise medically necessary HIV testing is covered under the benefit for laboratory services in section 1905(a)(3) of the Act.

Medicaid-eligible adults are covered for medically necessary HIV testing through the mandatory laboratory benefit under section 1905(a)(3) of the Act. States also have the option of covering routine HIV testing of Medicaid-eligible adults as a preventive or screening benefit under section 1905(a)(13) of the Act.

CHIP Coverage of HIV Testing

For States with a CHIP Medicaid expansion, coverage of HIV testing is the same as for other Medicaid-eligible children, as described above. States with a separate child health program are required to provide well-baby and well-child care services, which can include HIV testing. HIV testing can be covered in a separate child health plan consistent with the State's elected benefit package under Section 2103 of the Act.

Our goal is to remind people that HIV remains a major health concern, especially among African Americans and Latinos, and gay and bisexual men of all races. We also want to acknowledge your efforts to serve this vulnerable population and hope that this letter will encourage States to provide routine screening along with that which is medically indicated and necessary by clarifying the coverage options that are available for Federal reimbursement.