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**GOVERNOR TAKES ACTION TO SAVE LIVES; MOTHERS TO KNOW
THE RESULTS OF THEIR NEWBORN'S HIV TEST**

Governor George E. Pataki today announced a major policy change that will allow mothers to learn the results of HIV antibody tests performed on newborn infants by the State Health Department.

"This action is about saving lives," said Governor Pataki. "New York has more babies born with HIV than any other state. I am prepared to do all I can consistent with existing laws to ensure that every HIV-infected infant receives the necessary medical treatment."

The Governor's action settles a law suit brought against the State by the Association to Benefit Children seeking mandatory testing of newborn infants and disclosure of the test results to mothers.

Negotiations to settle the lawsuit were led by Attorney General Dennis C. Vacco, an outspoken advocate for disclosure of newborn HIV test results.

"Every mother has the right to know if her child has been exposed to HIV so that she and her doctor can take steps to protect her child's health," said Attorney General Vacco. "This settlement is not just a victory for the hundreds of babies exposed to HIV in this state, but also a victory for common sense."

The Governor has directed State Health Commissioner Barbara A. DeBuono, M.D., to develop regulations that will mandate prenatal HIV counseling and provide a mechanism for mothers to obtain their infants' HIV test results. The regulations will:

- Allow each mother to indicate on a consent form whether she wants to be informed of her infant's HIV antibody test result.
- Require the Health Department's Wadsworth Laboratory to send an infant's test result requested by the mother to her physician, who will in turn notify the infant's mother.

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- Require all prenatal care providers subject to Health Department jurisdiction to counsel pregnant women about the risk of mother-to-child transmission of HIV and encourage all pregnant women to voluntarily be tested.
- Require hospitals to inform new mothers at the time of delivery that blood samples from their newborns are tested for HIV antibodies by the State Health Department.
- Require hospitals to arrange for necessary follow-up testing and referral to care for the mother and child if the infant's test result is positive.

The State Health Department has been testing anonymous newborn blood samples for HIV antibodies since late 1987, as a means of monitoring the rate of HIV infection among child-bearing women. The test results are not given to mothers or physicians since there is no identifying information on the sample when the test is done currently. The testing is anonymous to comply with the State's HIV Confidentiality Law, which prohibits HIV testing of any individual without written consent.

"The proposed new State regulation is consistent with the HIV Confidentiality Law because the mother would sign a consent form to obtain the child's HIV test result," said Governor Pataki. "Any mother who does not want her child's test result may indicate her refusal on the consent form."

When a newborn infant tests positive for HIV antibodies it means that the mother is infected, because newborns have antibodies from their mother's blood at birth. Further tests are necessary to determine if the baby is infected. About 20 to 25 percent of infected mothers transmit the virus to their babies.

Physicians can now significantly reduce the risk that an HIV-infected mother will transmit the virus to her child if it is known early in pregnancy that the mother is infected. The antiviral drug AZT taken during pregnancy has been shown to reduce the risk of HIV transmission from a mother to a child by as much as two-thirds -- from 25 percent to 8 percent.

"This is the first really good news we have had in the 15-year history of the AIDS epidemic," Commissioner DeBuono said. "I firmly believe that if pregnant women are given this important information, virtually every woman will want to take the test to protect her child."

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Prenatal care settings that would be required to counsel pregnant women include hospitals, clinics and managed care organizations. The mandate would not apply to physicians in private practice, although the Health Department has appealed to all physicians to make HIV counseling and voluntary testing a routine part of prenatal care.

New York State leads the nation in the cumulative number of diagnosed AIDS cases and the number of women and children who have developed AIDS. To date, nearly 92,000 New Yorkers have developed AIDS, 19,000 of whom are women, and 1,700 are children who have developed AIDS due to maternal transmission of the virus.

The Health Department data reveal that approximately 1,400 HIV-infected women give birth annually in New York State, and 20 to 25 percent of their infants also become infected. This means that about 300 to 350 HIV-infants are born each year in New York.

Regulations proposed by the State Health Department must be published for a public comment period, and adopted by the State Hospital Review and Planning Council before they can take effect.

The agreement is subject to court approval.

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