

# Texas lawmakers propose expanding HIV screening

**Under proposal, 13- to 64-year-olds could get screened at regular check-ups unless they opt out.**

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When Texans go to the doctor for a checkup, they'd also be offered an HIV test under legislation filed Tuesday.

"Thankfully, HIV is no longer a death sentence, but it is clear that early diagnosis is a key to fighting the disease and its spread," said state Sen. Rodney Ellis, D-Houston, who filed the legislation along with Rep. Yvonne Davis, D-Dallas.



Deborah  
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[\(enlarge photo\)](#)

Sen. Rodney Ellis  
wants to promote early  
detection.

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More than two years after the federal Centers for Disease Control and Prevention recommended routine HIV screening, the two lawmakers are trying to make Texas the first state to require doctors to offer the test.

More than 62,700 Texans have HIV/AIDS; the state ranks fourth in the country for reported cases of AIDS.

Under the proposal, doctors would be required to offer HIV screening for people ages 13 to 64, though patients could opt out. Health insurance companies and Medicaid would have to pay for the tests, which Ellis said cost about \$30.

The idea is likely to face opposition from patients' rights advocates — and should the bill make it to his desk, from Gov. Rick Perry.

Allison Castle, a spokeswoman for Perry, said that the governor is still evaluating the proposal but that in general, he "believes that health care professionals should make decisions like this, not government."

But Dr. Ed Sherwood, a Travis County infectious disease physician, said that making testing routine would help avoid situations where patients assume they couldn't be infected and decide not to get tested.

"It's human nature to have a certain amount of denial," said Sherwood, who is chairman of the Texas Medical Association committee on infectious diseases.

Sherwood said that neither he nor the medical association have had the chance to review Ellis' proposal and develop an official position on it, but he said they agree with the 2006 CDC recommendations.

"Most people, if they know they're infected, will take steps to prevent infection of others," he said.

Randall Ellis of Legacy Community Health Services, which provides HIV treatment in Houston, joined the senator at a Tuesday news conference on the proposal.

"We would like everyone to be getting an HIV test so that it's just something that everyone does, therefore decreasing the stigma," said Randall Ellis, who is not related to the senator.

Dr. Deborah Peel, founder of Patient Privacy Rights, a national consumer health watchdog organization based in Austin, said that although destigmatizing HIV is a laudable goal, the legislation presents ethical concerns.

That's because patients may feel coerced by their doctors to get the screening, she said, and if they do get it, "there's no way to know that any sensitive data like this is safe."

Texas already requires HIV screening for pregnant women, though they can opt out, Sen. Ellis said.

United Healthcare is among the health insurers that already cover HIV screening, said spokeswoman Kim Whitaker.

"We do want the physician and the patient to have the ultimate decision," Whitaker said. "If they feel like they need the screening, that's up to them, and we'll cover it."

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