Frequently Asked Questions About PCRS by HIV Prevention Educators

Q. Do community-based agencies or case managers under contract to MDCH to perform HIV prevention activities have a responsibility to provide/offer PCRS services to their HIV-infected clients?

A. Yes: MCL 333.5133 requires agencies under contract to provide/offer PCRS. The legal statute states: Upon receipt of a positive HIV test result, the testing site shall proceed with PCRS in the same manner in which a local health department would proceed as described in section 5114a (3) to (5). Note: Departmental recommendations restrict investigations of partners or clients to local health departments only. Refer to your agency’s program standards.

Q. Can case managers or community-based agency workers refer a client into the local health department for the purpose of PCRS without requiring the client to sign a consent form?

A. Exemptions to Michigan’s confidentiality law allows for the referral of clients to the health department without a signed release for one or more of the following reasons: 1) to protect the health of an individual; (2) to prevent further transmission of HIV; an (3) to diagnosis and care for a patient.

Q. Can a worker employed by a community-based agency to provide HIV prevention services be held legally responsible for disclosing client information to the health department for the purpose of PCRS?

A. Again, exemptions within Michigan’s confidentiality law allow for the release of HIV information for the purpose of PCRS. Community-based agencies are immune from civil or criminal liability and administrative penalties. (MCL 333.5131 (6).

Q. What exactly is partner elicitation?

A. The process of obtaining identifying information about an at-risk sexual or needle-sharing partner of an individual who has been diagnosed as having HIV or AIDS. This identifying information should include any physical characteristics and/or logistical data to aid in the confidential notification of the at-risk partner for the purpose of PCRS.

Q. What tools are available to make a client or partner referral to the local health department for assistance with PCRS?

A. Agencies may use the HIV/AIDS case report (50.42A) to make a HIV diagnosis and request assistance with PCRS. Agencies may also complete the Confidential Request for Local Health Department Assistance for Partner Counseling and Referral Services (DCH – 1221). Note: Completion of the DCH – 1221 does not replace the required completion of the HIV/AIDS case report form (50.42).