



**EXECUTIVE ORDER**

**2019-08**

**EXECUTIVE ORDER STRENGTHENING THE STATE'S COMMITMENT TO  
ENDING THE HIV EPIDEMIC**

**WHEREAS**, the State of Illinois should take action to reduce new HIV cases, end the HIV epidemic, and improve health outcomes for people living with HIV; and

**WHEREAS**, there are nearly 40,000 people living with HIV in Illinois, and 1,375 people were newly diagnosed in 2017; and

**WHEREAS**, over 20,000 Illinoisans living with HIV received health insurance through Medicaid in FY17, making Medicaid the largest payer for HIV care in the state and a vital part of the effort to end the HIV epidemic; and

**WHEREAS**, there are deep and persistent health disparities for people living with HIV: specifically, gay, bisexual and other men who have sex with men represent over half of people living with HIV; 47% of people living with HIV are Black and 18% are Latinx; among heterosexual women, Black women account for more than 73% of new HIV cases and new infections; young people ages 20-39 represent 65% of new HIV diagnoses in Chicago; and nationally, a quarter of transgender women are living with HIV, and more than half of African American transgender people are living with HIV; and

**WHEREAS**, Public Act 99-0054 amended the Illinois AIDS Confidentiality Act, 410 ILCS 305/1, et seq., as of Jan 1, 2016, to establish opt-out HIV testing as the standard of care, consistent with the Centers for Disease Control and Prevention recommendations for routine HIV testing; and

**WHEREAS**, the scientific consensus is that people with HIV whose viral load is undetectable cannot transmit HIV sexually, making HIV treatment a powerful form of HIV prevention; and

**WHEREAS**, during the State's budget impasse, there was a year when nothing was spent on the African American HIV/AIDS Response Act, causing efforts to prevent and treat HIV to suffer greatly at a time when the Black community is facing a public health emergency; and

**WHEREAS**, there is a once-daily medication that is 99% effective at preventing HIV when taken consistently and correctly, called pre-exposure prophylaxis (PrEP), which would not only save the State the costs of more expensive treatment in the future, but more importantly, save lives;

**THEREFORE**, I, JB Pritzker, Governor of Illinois, by virtue of the executive authority vested in me by Article V of the Constitution of the State of Illinois, hereby order as follows:

**I. Take Action to End the HIV Epidemic and Reduce Health Disparities**

The Office of the Governor, the Department of Public Health, and the Department of Healthcare and Family Services commit to working with stakeholders to ensure (a) the State is investing in agencies, programs, and services that work to end the HIV epidemic, including funding for increased HIV testing and prevention, PrEP, the African American HIV/AIDS Response Act,

and other public health initiatives; and (b) Illinoisans living with HIV, along with their healthcare providers, are supported in achieving undetectable viral loads.

## **II. Monitor Viral Load Metrics**

The Department of Public Health and the Department of Healthcare and Family Services, in conjunction with the contracted Medicaid Managed Care Organizations (MMCOs), shall, within 90 days of the effective date of this Executive Order, deliver a report to the Governor containing a plan for the MMCOs to share data with the State in accordance with all laws and regulations governing health privacy, including a viral load metric, so that the State can monitor progress to ensure Illinoisans living with HIV have access to the healthcare they need to keep their viral loads at zero.

## **III. Savings Clause**

Nothing in this Executive Order shall be construed to contravene any federal or State law or regulation. Nothing in this Executive Order shall affect or alter the existing statutory powers of any State agency or be construed as a reassignment or reorganization of any State agency.

## **IV. Prior Executive Orders**

This Executive Order supersedes any contrary provision of any other prior Executive Order.

## **V. Severability Clause**

If any part of this Executive Order is found to be invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

## **VI. Effective Date**

This Executive Order shall take effect immediately upon its filing with the Secretary of State.

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JB Pritzker, Governor

Issued by Governor: February 1, 2019

Filed with Secretary of State: \_\_\_\_\_