New law mandates AIDS test

By CALVIN LEAR
Staff writer

Obtaining a marriage license will become more expensive and more complicated as of Jan. 1, the effective date of a new state law that mandates AIDS testing for couples who want to tie the knot.

The new law is already causing problems for some local physicians, who fear it will force them to break doctor-patient confidentiality.

Clerk of Court O.C. “Dan” Guilliot Sr. said the law is surrounded by confusion and uncertainty.

Guilliot, whose office issues marriage licenses, said he is concerned that many couples won’t realize how involved the new tests will be.

“Some don’t even know the current procedures and those are relatively simple,” he said. Some couples go to the Clerk’s office on the day they want to get married, expecting a license to be granted.

Jane Benoit, director of the Marriage License section at the Courthouse, explained the current steps for obtaining a license and the new ones as of Jan. 1.

Before applying for license, couples must take a blood test, a misnomer for a venereal disease test.

The venereal disease test is relatively easy and inexpensive, he said, costing between $15-$25 per person depending on where couples go for the tests. The tests can be conducted at walk-in clinics and the results are usually furnished within an hour.

The tests may be conducted for up to 10 days before applying for a license, Benoit said.

Once the couple has the results in hand, they may apply for a license, which is good for 30 days and must be obtained at least three days before the marriage.

The fee for the license is $25 per couple, ($12.50 goes to fund shelters for battered women), Benoit said. Also, original birth certificates must be supplied.

The AIDS testing that becomes mandatory Jan. 1, is more extensive.

The prospective bride and groom
must present a certified medical certificate from physicians indicating each has been tested for AIDS.

The medical certificate will indicate that each applicant has undergone the AIDS testing (and blood testing).

The AIDS test, called the HTLV-3, cost from $30-$50 per person, and is usually performed by local medical labs, according to a survey of local physicians. It takes two days to get the results.

Couples may take an AIDS test within 10 days of applying for a license, just as is the case with the blood test.

One of the problems the Clerk’s office and local physicians are concerned about is retaining doctor-patient confidentiality. That strikes at the heart of medical ethics, according to Dr. Ray Boyer.

“It has all kinds of kinks in it,” he said.

If medical tests determine one or both of the applicants has AIDS, the physician is required to notify the Clerk by affidavit that he has told both parties of the results and informed them on AIDS.

If the results are negative, the law simply requires physicians' signatures on the medical certificate to show that the venereal disease and AIDS tests were conducted.

Dr. Donald Mickal, a gynecologist, said the validity of any type of required pre-marriage testing is questionable and agreed with Boyer on the confidentiality question.

“Where do they keep this information (at the Clerk’s)?” Mickal asked.

“From what I know, Lafayette does not have a major problem with AIDS in the heterosexual community, especially through sexual intercourse,” he added.

Boyer, a general practitioner in Lafayette, said the issue gets particularly complicated — and expensive — if the second HTLV-3 test is also positive.

“We perform what is called the Western Blot test, which costs more than the HTLV-3 tests,” Boyer said.

The Western Blot is the “definite” for determining if someone has AIDS, Boyer said.

Benoit said she and Guilliot are meeting with a group of local physicians Friday in an attempt to develop answers to the problems posed by AIDS testing.