

CHAMBER ACTION

1 The Criminal Justice Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the testing of inmates for HIV
7 infection in county and municipal detention facilities;
8 amending s. 951.27, F.S.; authorizing counties and
9 municipalities to participate in a program to test each
10 sentenced inmate for HIV before the inmate is released if
11 the inmate's HIV status is unknown; providing certain
12 exceptions; requiring that certain county and municipal
13 detention facilities notify the Department of Health and
14 the county health department in the county where the
15 inmate plans to reside following release if the inmate is
16 HIV positive; requiring certain detention facilities to
17 provide special transitional assistance to an inmate who
18 is HIV positive; providing for immunity for complying
19 entities; amending s. 381.004, F.S.; providing that
20 informed consent is not required for an HIV test of an
21 inmate before the inmate's release from a municipal or
22 county detention facility; providing an effective date.

23

HB 463

2006
CS

24 Be It Enacted by the Legislature of the State of Florida:

25

26 Section 1. Section 951.27, Florida Statutes, is amended to
27 read:

28 951.27 Blood tests of inmates.--

29 (1) Each county and each municipal detention facility
30 shall have a written procedure developed, in consultation with
31 the facility medical provider, establishing conditions under
32 which an inmate will be tested for infectious disease, including
33 human immunodeficiency virus pursuant to s. 775.0877, which
34 procedure is consistent with guidelines of the Centers for
35 Disease Control and Prevention and recommendations of the
36 Correctional Medical Authority. It is not unlawful for the
37 person receiving the test results to divulge the test results to
38 the sheriff or chief correctional officer.

39 (2) (a) Each county or municipality has the local option,
40 if authorized by a majority of the respective county's or
41 municipality's governing body, to participate in the testing
42 program provided in this subsection. The county or municipal
43 detention facility that lies within the authority of any
44 participating county or municipality shall, consistent with s.
45 381.004(3), perform an HIV test as defined in s. 381.004(2) on
46 each sentenced inmate who is to be released from the facility
47 unless the facility knows that the inmate is HIV positive or
48 unless, within 120 days before the release date, the inmate has
49 been tested for HIV and does not request retesting. The required
50 test must be performed not less than 30 days before the release
51 date of the inmate. A test is not required under this paragraph

HB 463

2006
CS

52 if an inmate is released due to an emergency or a court order
53 and the detention facility receives less than 30 days' notice of
54 the release date or if the inmate is transferred to the custody
55 of the Department of Corrections for incarceration in the state
56 correctional system.

57 (b) Each county or municipal detention facility that
58 elects to participate in the testing program authorized in
59 paragraph (a) must comply with the requirements of this
60 paragraph. If the county or municipal detention facility knows
61 that an inmate who is to be released from the facility is HIV
62 positive or has received a positive HIV test result, that
63 facility shall, before the inmate is released:

64 1. Notify, consistent with s. 381.004(3), the Department
65 of Health and the county health department in the county where
66 the inmate being released plans to reside of the release date
67 and HIV status of the inmate.

68 2. Provide special transitional assistance to the inmate,
69 which must include:

70 a. Education on preventing the transmission of HIV to
71 others and on the importance of receiving followup medical care
72 and treatment.

73 b. A written, individualized discharge plan that includes
74 records of all laboratory and diagnostic test results,
75 medication and treatment information, and referrals to and
76 contacts with the county health department and local primary
77 medical care services for the treatment of HIV infection which
78 are available in the area where the inmate plans to reside.

HB 463

2006
CS

79 | ~~(3)-(2)~~ Except as otherwise provided in this subsection,
80 | serologic blood test results obtained pursuant to subsection (1)
81 | or subsection (2) are confidential and exempt from the
82 | provisions of s. 119.07(1) and s. 24(a), Art. I of the State
83 | Constitution. However, such results may be provided to employees
84 | or officers of the sheriff or chief correctional officer who are
85 | responsible for the custody and care of the affected inmate and
86 | have a need to know such information, and as provided in ss.
87 | 381.004(3), 775.0877, and 960.003. In addition, upon request of
88 | the victim or the victim's legal guardian, or the parent or
89 | legal guardian of the victim if the victim is a minor, the
90 | results of any HIV test performed on an inmate who has been
91 | arrested for any sexual offense involving oral, anal, or vaginal
92 | penetration by, or union with, the sexual organ of another,
93 | shall be disclosed to the victim or the victim's legal guardian,
94 | or to the parent or legal guardian of the victim if the victim
95 | is a minor. In such cases, the county or municipal detention
96 | facility shall furnish the test results to the Department of
97 | Health, which is responsible for disclosing the results to
98 | public health agencies as provided in s. 775.0877 and to the
99 | victim or the victim's legal guardian, or the parent or legal
100 | guardian of the victim if the victim is a minor, as provided in
101 | s. 960.003(3).

102 | ~~(4)-(3)~~ The results of any serologic blood test on an
103 | inmate are a part of that inmate's permanent medical file. Upon
104 | transfer of the inmate to any other correctional facility, such
105 | file is also transferred, and all relevant authorized persons

HB 463

2006
CS

106 must be notified of positive HIV test results, as required in s.
107 775.0877.

108 (5) Notwithstanding any statute providing for a waiver of
109 sovereign immunity, the state, its agencies, or subdivisions,
110 and employees of the state, its agencies, or subdivisions, are
111 not liable to any person for negligently causing death or
112 personal injury arising out of complying with this section.

113 Section 2. Subsection (3) of section 381.004, Florida
114 Statutes, is amended to read:

115 381.004 HIV testing.--

116 (3) ~~HUMAN IMMUNODEFICIENCY VIRUS TESTING;~~ INFORMED
117 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

118 (a) No person in this state shall order a test designed to
119 identify the human immunodeficiency virus, or its antigen or
120 antibody, without first obtaining the informed consent of the
121 person upon whom the test is being performed, except as
122 specified in paragraph (h). Informed consent shall be preceded
123 by an explanation of the right to confidential treatment of
124 information identifying the subject of the test and the results
125 of the test to the extent provided by law. Information shall
126 also be provided on the fact that a positive HIV test result
127 will be reported to the county health department with sufficient
128 information to identify the test subject and on the availability
129 and location of sites at which anonymous testing is performed.
130 As required in paragraph (4)(c), each county health department
131 shall maintain a list of sites at which anonymous testing is
132 performed, including the locations, phone numbers, and hours of
133 operation of the sites. Consent need not be in writing provided

Page 5 of 20

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0463-01-c1

HB 463

2006
CS

134 | there is documentation in the medical record that the test has
135 | been explained and the consent has been obtained.

136 | (b) Except as provided in paragraph (h), informed consent
137 | must be obtained from a legal guardian or other person
138 | authorized by law when the person:

139 | 1. Is not competent, is incapacitated, or is otherwise
140 | unable to make an informed judgment; or

141 | 2. Has not reached the age of majority, except as provided
142 | in s. 384.30.

143 | (c) The person ordering the test or that person's designee
144 | shall ensure that all reasonable efforts are made to notify the
145 | test subject of his or her test result. Notification of a person
146 | with a positive test result shall include information on the
147 | availability of appropriate medical and support services, on the
148 | importance of notifying partners who may have been exposed, and
149 | on preventing transmission of HIV. Notification of a person with
150 | a negative test result shall include, as appropriate,
151 | information on preventing the transmission of HIV. When testing
152 | occurs in a hospital emergency department, detention facility,
153 | or other facility and the test subject has been released before
154 | being notified of positive test results, informing the county
155 | health department for that department to notify the test subject
156 | fulfills this responsibility.

157 | (d) A positive preliminary test result may not be revealed
158 | to any person except in the following situations:

159 | 1. Preliminary test results may be released to licensed
160 | physicians or the medical or nonmedical personnel subject to the

HB 463

2006
CS

161 significant exposure for purposes of subparagraphs (h)10., 11.,
162 and 12.

163 2. Preliminary test results may be released to health care
164 providers and to the person tested when decisions about medical
165 care or treatment of, or recommendation to, the person tested
166 and, in the case of an intrapartum or postpartum woman, when
167 care, treatment, or recommendations regarding her newborn,
168 cannot await the results of confirmatory testing. Positive
169 preliminary HIV test results may not be characterized to the
170 patient as a diagnosis of HIV infection. Justification for the
171 use of preliminary test results must be documented in the
172 medical record by the health care provider who ordered the test.

173 3. The results of rapid testing technologies shall be
174 considered preliminary and may be released in accordance with
175 the manufacturer's instructions as approved by the federal Food
176 and Drug Administration.

177 4. Corroborating or confirmatory testing must be conducted
178 as followup to a positive preliminary test. Results shall be
179 communicated to the patient according to statute regardless of
180 the outcome. Except as provided in this section, test results
181 are confidential and exempt from the provisions of s. 119.07(1).

182 (e) Except as provided in this section, the identity of
183 any person upon whom a test has been performed and test results
184 are confidential and exempt from the provisions of s. 119.07(1).
185 No person who has obtained or has knowledge of a test result
186 pursuant to this section may disclose or be compelled to
187 disclose the identity of any person upon whom a test is
188 performed, or the results of such a test in a manner which

HB 463

2006
CS

189 | permits identification of the subject of the test, except to the
190 | following persons:

191 | 1. The subject of the test or the subject's legally
192 | authorized representative.

193 | 2. Any person, including third-party payors, designated in
194 | a legally effective release of the test results executed prior
195 | to or after the test by the subject of the test or the subject's
196 | legally authorized representative. The test subject may in
197 | writing authorize the disclosure of the test subject's HIV test
198 | results to third party payors, who need not be specifically
199 | identified, and to other persons to whom the test subject
200 | subsequently issues a general release of medical information. A
201 | general release without such prior written authorization is not
202 | sufficient to release HIV test results.

203 | 3. An authorized agent or employee of a health facility or
204 | health care provider if the health facility or health care
205 | provider itself is authorized to obtain the test results, the
206 | agent or employee participates in the administration or
207 | provision of patient care or handles or processes specimens of
208 | body fluids or tissues, and the agent or employee has a need to
209 | know such information. The department shall adopt a rule
210 | defining which persons have a need to know pursuant to this
211 | subparagraph.

212 | 4. Health care providers consulting between themselves or
213 | with health care facilities to determine diagnosis and
214 | treatment. For purposes of this subparagraph, health care
215 | providers shall include licensed health care professionals
216 | employed by or associated with state, county, or municipal

HB 463

2006
CS

217 detention facilities when such health care professionals are
218 acting exclusively for the purpose of providing diagnoses or
219 treatment of persons in the custody of such facilities.

220 5. The department, in accordance with rules for reporting
221 and controlling the spread of disease, as otherwise provided by
222 state law.

223 6. A health facility or health care provider which
224 procures, processes, distributes, or uses:

225 a. A human body part from a deceased person, with respect
226 to medical information regarding that person; or

227 b. Semen provided prior to July 6, 1988, for the purpose
228 of artificial insemination.

229 7. Health facility staff committees, for the purposes of
230 conducting program monitoring, program evaluation, or service
231 reviews pursuant to chapters 395 and 766.

232 8. Authorized medical or epidemiological researchers who
233 may not further disclose any identifying characteristics or
234 information.

235 9. A person allowed access by a court order which is
236 issued in compliance with the following provisions:

237 a. No court of this state shall issue such order unless
238 the court finds that the person seeking the test results has
239 demonstrated a compelling need for the test results which cannot
240 be accommodated by other means. In assessing compelling need,
241 the court shall weigh the need for disclosure against the
242 privacy interest of the test subject and the public interest
243 which may be disserved by disclosure which deters blood, organ,
244 and semen donation and future human immunodeficiency virus-

HB 463

2006
CS

245 related testing or which may lead to discrimination. This
246 paragraph shall not apply to blood bank donor records.

247 b. Pleadings pertaining to disclosure of test results
248 shall substitute a pseudonym for the true name of the subject of
249 the test. The disclosure to the parties of the subject's true
250 name shall be communicated confidentially in documents not filed
251 with the court.

252 c. Before granting any such order, the court shall provide
253 the individual whose test result is in question with notice and
254 a reasonable opportunity to participate in the proceedings if he
255 or she is not already a party.

256 d. Court proceedings as to disclosure of test results
257 shall be conducted in camera, unless the subject of the test
258 agrees to a hearing in open court or unless the court determines
259 that a public hearing is necessary to the public interest and
260 the proper administration of justice.

261 e. Upon the issuance of an order to disclose test results,
262 the court shall impose appropriate safeguards against
263 unauthorized disclosure which shall specify the persons who may
264 have access to the information, the purposes for which the
265 information shall be used, and appropriate prohibitions on
266 future disclosure.

267 10. A person allowed access by order of a judge of
268 compensation claims of the Division of Administrative Hearings.
269 A judge of compensation claims shall not issue such order unless
270 he or she finds that the person seeking the test results has
271 demonstrated a compelling need for the test results which cannot
272 be accommodated by other means.

HB 463

2006
CS

273 11. Those employees of the department or of child-placing
274 or child-caring agencies or of family foster homes, licensed
275 pursuant to s. 409.175, who are directly involved in the
276 placement, care, control, or custody of such test subject and
277 who have a need to know such information; adoptive parents of
278 such test subject; or any adult custodian, any adult relative,
279 or any person responsible for the child's welfare, if the test
280 subject was not tested under subparagraph (b)2. and if a
281 reasonable attempt has been made to locate and inform the legal
282 guardian of a test result. The department shall adopt a rule to
283 implement this subparagraph.

284 12. Those employees of residential facilities or of
285 community-based care programs that care for developmentally
286 disabled persons, pursuant to chapter 393, who are directly
287 involved in the care, control, or custody of such test subject
288 and who have a need to know such information.

289 13. A health care provider involved in the delivery of a
290 child can note the mother's HIV test results in the child's
291 medical record.

292 14. Medical personnel or nonmedical personnel who have
293 been subject to a significant exposure during the course of
294 medical practice or in the performance of professional duties,
295 or individuals who are the subject of the significant exposure
296 as provided in subparagraphs (h)10.-12.

297 15. The medical examiner shall disclose positive HIV test
298 results to the department in accordance with rules for reporting
299 and controlling the spread of disease.

HB 463

2006
CS

300 (f) Except as provided in this section, the identity of a
301 person upon whom a test has been performed is confidential and
302 exempt from the provisions of s. 119.07(1). No person to whom
303 the results of a test have been disclosed may disclose the test
304 results to another person except as authorized by this
305 subsection and by ss. 951.27 and 960.003. Whenever disclosure is
306 made pursuant to this subsection, it shall be accompanied by a
307 statement in writing which includes the following or
308 substantially similar language: "This information has been
309 disclosed to you from records whose confidentiality is protected
310 by state law. State law prohibits you from making any further
311 disclosure of such information without the specific written
312 consent of the person to whom such information pertains, or as
313 otherwise permitted by state law. A general authorization for
314 the release of medical or other information is NOT sufficient
315 for this purpose." An oral disclosure shall be accompanied by
316 oral notice and followed by a written notice within 10 days,
317 except that this notice shall not be required for disclosures
318 made pursuant to subparagraphs (e)3. and 4.

319 (g) Human immunodeficiency virus test results contained in
320 the medical records of a hospital licensed under chapter 395 may
321 be released in accordance with s. 395.3025 without being subject
322 to the requirements of subparagraph (e)2., subparagraph (e)9.,
323 or paragraph (f); provided the hospital has obtained written
324 informed consent for the HIV test in accordance with provisions
325 of this section.

326 (h) Notwithstanding the provisions of paragraph (a),
327 informed consent is not required:

HB 463

2006
CS

328 1. When testing for sexually transmissible diseases is
329 required by state or federal law, or by rule including the
330 following situations:

331 a. HIV testing pursuant to s. 796.08 of persons convicted
332 of prostitution or of procuring another to commit prostitution.

333 b. HIV testing of inmates pursuant to s. 945.355 prior to
334 their release from prison by reason of parole, accumulation of
335 gain-time credits, or expiration of sentence.

336 c. Testing for HIV by a medical examiner in accordance
337 with s. 406.11.

338 d. HIV testing of pregnant women pursuant to s. 384.31.

339 e. HIV testing of inmates pursuant to s. 951.27 before
340 their release from a county or municipal detention facility.

341 2. Those exceptions provided for blood, plasma, organs,
342 skin, semen, or other human tissue pursuant to s. 381.0041.

343 3. For the performance of an HIV-related test by licensed
344 medical personnel in bona fide medical emergencies when the test
345 results are necessary for medical diagnostic purposes to provide
346 appropriate emergency care or treatment to the person being
347 tested and the patient is unable to consent, as supported by
348 documentation in the medical record. Notification of test
349 results in accordance with paragraph (c) is required.

350 4. For the performance of an HIV-related test by licensed
351 medical personnel for medical diagnosis of acute illness where,
352 in the opinion of the attending physician, obtaining informed
353 consent would be detrimental to the patient, as supported by
354 documentation in the medical record, and the test results are
355 necessary for medical diagnostic purposes to provide appropriate

HB 463

2006
CS

356 care or treatment to the person being tested. Notification of
357 test results in accordance with paragraph (c) is required if it
358 would not be detrimental to the patient. This subparagraph does
359 not authorize the routine testing of patients for HIV infection
360 without informed consent.

361 5. When HIV testing is performed as part of an autopsy for
362 which consent was obtained pursuant to s. 872.04.

363 6. For the performance of an HIV test upon a defendant
364 pursuant to the victim's request in a prosecution for any type
365 of sexual battery where a blood sample is taken from the
366 defendant voluntarily, pursuant to court order for any purpose,
367 or pursuant to the provisions of s. 775.0877, s. 951.27, or s.
368 960.003; however, the results of any HIV test performed shall be
369 disclosed solely to the victim and the defendant, except as
370 provided in ss. 775.0877, 951.27, and 960.003.

371 7. When an HIV test is mandated by court order.

372 8. For epidemiological research pursuant to s. 381.0032,
373 for research consistent with institutional review boards created
374 by 45 C.F.R. part 46, or for the performance of an HIV-related
375 test for the purpose of research, if the testing is performed in
376 a manner by which the identity of the test subject is not known
377 and may not be retrieved by the researcher.

378 9. When human tissue is collected lawfully without the
379 consent of the donor for corneal removal as authorized by s.
380 765.5185 or enucleation of the eyes as authorized by s. 765.519.

381 10. For the performance of an HIV test upon an individual
382 who comes into contact with medical personnel in such a way that
383 a significant exposure has occurred during the course of

HB 463

2006
CS

384 employment or within the scope of practice and where a blood
385 sample is available that was taken from that individual
386 voluntarily by medical personnel for other purposes. The term
387 "medical personnel" includes a licensed or certified health care
388 professional; an employee of a health care professional or
389 health care facility; employees of a laboratory licensed under
390 chapter 483; personnel of a blood bank or plasma center; a
391 medical student or other student who is receiving training as a
392 health care professional at a health care facility; and a
393 paramedic or emergency medical technician certified by the
394 department to perform life-support procedures under s. 401.23.

395 a. Prior to performance of an HIV test on a voluntarily
396 obtained blood sample, the individual from whom the blood was
397 obtained shall be requested to consent to the performance of the
398 test and to the release of the results. The individual's refusal
399 to consent and all information concerning the performance of an
400 HIV test and any HIV test result shall be documented only in the
401 medical personnel's record unless the individual gives written
402 consent to entering this information on the individual's medical
403 record.

404 b. Reasonable attempts to locate the individual and to
405 obtain consent shall be made, and all attempts must be
406 documented. If the individual cannot be found, an HIV test may
407 be conducted on the available blood sample. If the individual
408 does not voluntarily consent to the performance of an HIV test,
409 the individual shall be informed that an HIV test will be
410 performed, and counseling shall be furnished as provided in this
411 section. However, HIV testing shall be conducted only after a

HB 463

2006
CS

412 licensed physician documents, in the medical record of the
413 medical personnel, that there has been a significant exposure
414 and that, in the physician's medical judgment, the information
415 is medically necessary to determine the course of treatment for
416 the medical personnel.

417 c. Costs of any HIV test of a blood sample performed with
418 or without the consent of the individual, as provided in this
419 subparagraph, shall be borne by the medical personnel or the
420 employer of the medical personnel. However, costs of testing or
421 treatment not directly related to the initial HIV tests or costs
422 of subsequent testing or treatment may not be borne by the
423 medical personnel or the employer of the medical personnel.

424 d. In order to utilize the provisions of this
425 subparagraph, the medical personnel must either be tested for
426 HIV pursuant to this section or provide the results of an HIV
427 test taken within 6 months prior to the significant exposure if
428 such test results are negative.

429 e. A person who receives the results of an HIV test
430 pursuant to this subparagraph shall maintain the confidentiality
431 of the information received and of the persons tested. Such
432 confidential information is exempt from s. 119.07(1).

433 f. If the source of the exposure will not voluntarily
434 submit to HIV testing and a blood sample is not available, the
435 medical personnel or the employer of such person acting on
436 behalf of the employee may seek a court order directing the
437 source of the exposure to submit to HIV testing. A sworn
438 statement by a physician licensed under chapter 458 or chapter
439 459 that a significant exposure has occurred and that, in the

HB 463

2006
CS

440 physician's medical judgment, testing is medically necessary to
441 determine the course of treatment constitutes probable cause for
442 the issuance of an order by the court. The results of the test
443 shall be released to the source of the exposure and to the
444 person who experienced the exposure.

445 11. For the performance of an HIV test upon an individual
446 who comes into contact with medical personnel in such a way that
447 a significant exposure has occurred during the course of
448 employment or within the scope of practice of the medical
449 personnel while the medical personnel provides emergency medical
450 treatment to the individual; or who comes into contact with
451 nonmedical personnel in such a way that a significant exposure
452 has occurred while the nonmedical personnel provides emergency
453 medical assistance during a medical emergency. For the purposes
454 of this subparagraph, a medical emergency means an emergency
455 medical condition outside of a hospital or health care facility
456 that provides physician care. The test may be performed only
457 during the course of treatment for the medical emergency.

458 a. An individual who is capable of providing consent shall
459 be requested to consent to an HIV test prior to the testing. The
460 individual's refusal to consent, and all information concerning
461 the performance of an HIV test and its result, shall be
462 documented only in the medical personnel's record unless the
463 individual gives written consent to entering this information on
464 the individual's medical record.

465 b. HIV testing shall be conducted only after a licensed
466 physician documents, in the medical record of the medical
467 personnel or nonmedical personnel, that there has been a

HB 463

2006
CS

468 | significant exposure and that, in the physician's medical
469 | judgment, the information is medically necessary to determine
470 | the course of treatment for the medical personnel or nonmedical
471 | personnel.

472 | c. Costs of any HIV test performed with or without the
473 | consent of the individual, as provided in this subparagraph,
474 | shall be borne by the medical personnel or the employer of the
475 | medical personnel or nonmedical personnel. However, costs of
476 | testing or treatment not directly related to the initial HIV
477 | tests or costs of subsequent testing or treatment may not be
478 | borne by the medical personnel or the employer of the medical
479 | personnel or nonmedical personnel.

480 | d. In order to utilize the provisions of this
481 | subparagraph, the medical personnel or nonmedical personnel
482 | shall be tested for HIV pursuant to this section or shall
483 | provide the results of an HIV test taken within 6 months prior
484 | to the significant exposure if such test results are negative.

485 | e. A person who receives the results of an HIV test
486 | pursuant to this subparagraph shall maintain the confidentiality
487 | of the information received and of the persons tested. Such
488 | confidential information is exempt from s. 119.07(1).

489 | f. If the source of the exposure will not voluntarily
490 | submit to HIV testing and a blood sample was not obtained during
491 | treatment for the medical emergency, the medical personnel, the
492 | employer of the medical personnel acting on behalf of the
493 | employee, or the nonmedical personnel may seek a court order
494 | directing the source of the exposure to submit to HIV testing. A
495 | sworn statement by a physician licensed under chapter 458 or

HB 463

2006
CS

496 chapter 459 that a significant exposure has occurred and that,
497 in the physician's medical judgment, testing is medically
498 necessary to determine the course of treatment constitutes
499 probable cause for the issuance of an order by the court. The
500 results of the test shall be released to the source of the
501 exposure and to the person who experienced the exposure.

502 12. For the performance of an HIV test by the medical
503 examiner or attending physician upon an individual who expired
504 or could not be resuscitated while receiving emergency medical
505 assistance or care and who was the source of a significant
506 exposure to medical or nonmedical personnel providing such
507 assistance or care.

508 a. HIV testing may be conducted only after a licensed
509 physician documents in the medical record of the medical
510 personnel or nonmedical personnel that there has been a
511 significant exposure and that, in the physician's medical
512 judgment, the information is medically necessary to determine
513 the course of treatment for the medical personnel or nonmedical
514 personnel.

515 b. Costs of any HIV test performed under this subparagraph
516 may not be charged to the deceased or to the family of the
517 deceased person.

518 c. For the provisions of this subparagraph to be
519 applicable, the medical personnel or nonmedical personnel must
520 be tested for HIV under this section or must provide the results
521 of an HIV test taken within 6 months before the significant
522 exposure if such test results are negative.

HB 463

2006
CS

523 d. A person who receives the results of an HIV test
524 pursuant to this subparagraph shall comply with paragraph (e).

525 13. For the performance of an HIV-related test medically
526 indicated by licensed medical personnel for medical diagnosis of
527 a hospitalized infant as necessary to provide appropriate care
528 and treatment of the infant when, after a reasonable attempt, a
529 parent cannot be contacted to provide consent. The medical
530 records of the infant shall reflect the reason consent of the
531 parent was not initially obtained. Test results shall be
532 provided to the parent when the parent is located.

533 14. For the performance of HIV testing conducted to
534 monitor the clinical progress of a patient previously diagnosed
535 to be HIV positive.

536 15. For the performance of repeated HIV testing conducted
537 to monitor possible conversion from a significant exposure.

538 Section 3. This act shall take effect July 1, 2006.