

HB 401

2007

1 A bill to be entitled

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

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 951.27, Florida Statutes, is amended to
24 read:

25 951.27 Blood tests of inmates.--

26 (1) Each county and each municipal detention facility
27 shall have a written procedure developed, in consultation with
28 the facility medical provider, establishing conditions under

HB 401

2007

29 | which an inmate will be tested for infectious disease, including
30 | human immunodeficiency virus pursuant to s. 775.0877, which
31 | procedure is consistent with guidelines of the Centers for
32 | Disease Control and Prevention and recommendations of the
33 | Correctional Medical Authority. It is not unlawful for the
34 | person receiving the test results to divulge the test results to
35 | the sheriff or chief correctional officer.

36 | (2) (a) The Department of Health shall designate two
37 | counties having a population of 1.2 million or more and five
38 | counties having a population of fewer than 1.2 million to
39 | participate in the testing program provided in this subsection,
40 | if participation in the testing program is authorized by a
41 | majority of the county's governing body. Each county detention
42 | facility that lies within the authority of any participating
43 | county shall, consistent with s. 381.004(3), perform an HIV test
44 | as defined in s. 381.004(2) on each sentenced inmate who is to
45 | be released from the facility unless the facility knows that the
46 | inmate is HIV positive or unless, within 120 days before the
47 | release date, the inmate has been tested for HIV and does not
48 | request retesting. The required test must be performed not less
49 | than 30 days before the release date of the inmate. A test is
50 | not required under this paragraph if an inmate is released due
51 | to an emergency or a court order and the detention facility
52 | receives less than 30 days' notice of the release date or if the
53 | inmate is transferred to the custody of the Department of
54 | Corrections for incarceration in the state correctional system.
55 | (b) Each county detention facility in a county that
56 | participates in the testing program authorized in paragraph (a)

HB 401

2007

57 must comply with the requirements of this paragraph. If the
58 county detention facility knows that an inmate who is to be
59 released from the facility is HIV positive or has received a
60 positive HIV test result, that facility shall, before the inmate
61 is released:

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

66 2. Provide special transitional assistance to the inmate
67 which must include:

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

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

77 (3)-(2) Except as otherwise provided in this subsection,
78 serologic blood test results obtained pursuant to subsection (1)
79 or subsection (2) are confidential and exempt from the
80 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
81 Constitution. However, such results may be provided to employees
82 or officers of the sheriff or chief correctional officer who are
83 responsible for the custody and care of the affected inmate and
84 have a need to know such information, and as provided in ss.

HB 401

2007

85 381.004(3), 775.0877, and 960.003. In addition, upon request of
86 the victim or the victim's legal guardian, or the parent or
87 legal guardian of the victim if the victim is a minor, the
88 results of any HIV test performed on an inmate who has been
89 arrested for any sexual offense involving oral, anal, or vaginal
90 penetration by, or union with, the sexual organ of another,
91 shall be disclosed to the victim or the victim's legal guardian,
92 or to the parent or legal guardian of the victim if the victim
93 is a minor. In such cases, the county or municipal detention
94 facility shall furnish the test results to the Department of
95 Health, which is responsible for disclosing the results to
96 public health agencies as provided in s. 775.0877 and to the
97 victim or the victim's legal guardian, or the parent or legal
98 guardian of the victim if the victim is a minor, as provided in
99 s. 960.003(3).

100 ~~(4)(3)~~ The results of any serologic blood test on an
101 inmate are a part of that inmate's permanent medical file. Upon
102 transfer of the inmate to any other correctional facility, such
103 file is also transferred, and all relevant authorized persons
104 must be notified of positive HIV test results, as required in s.
105 775.0877.

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

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

113 381.004 HIV testing.--

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

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

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

- 137 1. Is not competent, is incapacitated, or is otherwise
 138 unable to make an informed judgment; or
- 139 2. Has not reached the age of majority, except as provided
 140 in s. 384.30.

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

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

157 1. Preliminary test results may be released to licensed
158 physicians or the medical or nonmedical personnel subject to the
159 significant exposure for purposes of subparagraphs (h)10., 11.,
160 and 12.

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

HB 401

2007

169 use of preliminary test results must be documented in the
170 medical record by the health care provider who ordered the test.

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

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

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

189 1. The subject of the test or the subject's legally
190 authorized representative.

191 2. Any person, including third-party payors, designated in
192 a legally effective release of the test results executed prior
193 to or after the test by the subject of the test or the subject's
194 legally authorized representative. The test subject may in
195 writing authorize the disclosure of the test subject's HIV test
196 results to third party payors, who need not be specifically

HB 401

2007

197 identified, and to other persons to whom the test subject
198 subsequently issues a general release of medical information. A
199 general release without such prior written authorization is not
200 sufficient to release HIV test results.

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

210 4. Health care providers consulting between themselves or
211 with health care facilities to determine diagnosis and
212 treatment. For purposes of this subparagraph, health care
213 providers shall include licensed health care professionals
214 employed by or associated with state, county, or municipal
215 detention facilities when such health care professionals are
216 acting exclusively for the purpose of providing diagnoses or
217 treatment of persons in the custody of such facilities.

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

221 6. A health facility or health care provider which
222 procures, processes, distributes, or uses:

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

HB 401

2007

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

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

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

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

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

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

250 c. Before granting any such order, the court shall provide
251 the individual whose test result is in question with notice and
252 a reasonable opportunity to participate in the proceedings if he

253 or she is not already a party.

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

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

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

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

281 implement this subparagraph.

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

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

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

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

298 (f) Except as provided in this section, the identity of a
299 person upon whom a test has been performed is confidential and
300 exempt from the provisions of s. 119.07(1). No person to whom
301 the results of a test have been disclosed may disclose the test
302 results to another person except as authorized by this
303 subsection and by ss. 951.27 and 960.003. Whenever disclosure is
304 made pursuant to this subsection, it shall be accompanied by a
305 statement in writing which includes the following or
306 substantially similar language: "This information has been
307 disclosed to you from records whose confidentiality is protected
308 by state law. State law prohibits you from making any further

309 disclosure of such information without the specific written
310 consent of the person to whom such information pertains, or as
311 otherwise permitted by state law. A general authorization for
312 the release of medical or other information is NOT sufficient
313 for this purpose." An oral disclosure shall be accompanied by
314 oral notice and followed by a written notice within 10 days,
315 except that this notice shall not be required for disclosures
316 made pursuant to subparagraphs (e)3. and 4.

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

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

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

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

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

334 c. Testing for HIV by a medical examiner in accordance
335 with s. 406.11.

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

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

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

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

348 4. For the performance of an HIV-related test by licensed
349 medical personnel for medical diagnosis of acute illness where,
350 in the opinion of the attending physician, obtaining informed
351 consent would be detrimental to the patient, as supported by
352 documentation in the medical record, and the test results are
353 necessary for medical diagnostic purposes to provide appropriate
354 care or treatment to the person being tested. Notification of
355 test results in accordance with paragraph (c) is required if it
356 would not be detrimental to the patient. This subparagraph does
357 not authorize the routine testing of patients for HIV infection
358 without informed consent.

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

361 6. For the performance of an HIV test upon a defendant
362 pursuant to the victim's request in a prosecution for any type
363 of sexual battery where a blood sample is taken from the
364 defendant voluntarily, pursuant to court order for any purpose,

365 or pursuant to the provisions of s. 775.0877, s. 951.27, or s.
 366 960.003; however, the results of any HIV test performed shall be
 367 disclosed solely to the victim and the defendant, except as
 368 provided in ss. 775.0877, 951.27, and 960.003.

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

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

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

379 10. For the performance of an HIV test upon an individual
 380 who comes into contact with medical personnel in such a way that
 381 a significant exposure has occurred during the course of
 382 employment or within the scope of practice and where a blood
 383 sample is available that was taken from that individual
 384 voluntarily by medical personnel for other purposes. The term
 385 "medical personnel" includes a licensed or certified health care
 386 professional; an employee of a health care professional or
 387 health care facility; employees of a laboratory licensed under
 388 chapter 483; personnel of a blood bank or plasma center; a
 389 medical student or other student who is receiving training as a
 390 health care professional at a health care facility; and a
 391 paramedic or emergency medical technician certified by the
 392 department to perform life-support procedures under s. 401.23.

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

402 b. Reasonable attempts to locate the individual and to
403 obtain consent shall be made, and all attempts must be
404 documented. If the individual cannot be found, an HIV test may
405 be conducted on the available blood sample. If the individual
406 does not voluntarily consent to the performance of an HIV test,
407 the individual shall be informed that an HIV test will be
408 performed, and counseling shall be furnished as provided in this
409 section. However, HIV testing shall be conducted only after a
410 licensed physician documents, in the medical record of the
411 medical personnel, that there has been a significant exposure
412 and that, in the physician's medical judgment, the information
413 is medically necessary to determine the course of treatment for
414 the medical personnel.

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

421 medical personnel or the employer of the medical personnel.

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

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

431 f. If the source of the exposure will not voluntarily
432 submit to HIV testing and a blood sample is not available, the
433 medical personnel or the employer of such person acting on
434 behalf of the employee may seek a court order directing the
435 source of the exposure to submit to HIV testing. A sworn
436 statement by a physician licensed under chapter 458 or chapter
437 459 that a significant exposure has occurred and that, in the
438 physician's medical judgment, testing is medically necessary to
439 determine the course of treatment constitutes probable cause for
440 the issuance of an order by the court. The results of the test
441 shall be released to the source of the exposure and to the
442 person who experienced the exposure.

443 11. For the performance of an HIV test upon an individual
444 who comes into contact with medical personnel in such a way that
445 a significant exposure has occurred during the course of
446 employment or within the scope of practice of the medical
447 personnel while the medical personnel provides emergency medical
448 treatment to the individual; or who comes into contact with

449 nonmedical personnel in such a way that a significant exposure
450 has occurred while the nonmedical personnel provides emergency
451 medical assistance during a medical emergency. For the purposes
452 of this subparagraph, a medical emergency means an emergency
453 medical condition outside of a hospital or health care facility
454 that provides physician care. The test may be performed only
455 during the course of treatment for the medical emergency.

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

463 b. HIV testing shall be conducted only after a licensed
464 physician documents, in the medical record of the medical
465 personnel or nonmedical personnel, that there has been a
466 significant exposure and that, in the physician's medical
467 judgment, the information is medically necessary to determine
468 the course of treatment for the medical personnel or nonmedical
469 personnel.

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

477 personnel or nonmedical personnel.

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

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

487 f. If the source of the exposure will not voluntarily
488 submit to HIV testing and a blood sample was not obtained during
489 treatment for the medical emergency, the medical personnel, the
490 employer of the medical personnel acting on behalf of the
491 employee, or the nonmedical personnel may seek a court order
492 directing the source of the exposure to submit to HIV testing. A
493 sworn statement by a physician licensed under chapter 458 or
494 chapter 459 that a significant exposure has occurred and that,
495 in the physician's medical judgment, testing is medically
496 necessary to determine the course of treatment constitutes
497 probable cause for the issuance of an order by the court. The
498 results of the test shall be released to the source of the
499 exposure and to the person who experienced the exposure.

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

505 assistance or care.

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

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

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

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

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

531 14. For the performance of HIV testing conducted to
532 monitor the clinical progress of a patient previously diagnosed

HB 401

2007

533 | to be HIV positive.

534 | 15. For the performance of repeated HIV testing conducted
535 | to monitor possible conversion from a significant exposure.

536 | Section 3. This act shall take effect July 1, 2007.