

By Senator Wilson

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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 shall
27 have a written procedure developed, in consultation with the
28 facility medical provider, establishing conditions under which an
29 inmate will be tested for infectious disease, including human

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30 immunodeficiency virus pursuant to s. 775.0877, which procedure
31 is consistent with guidelines of the Centers for Disease Control
32 and Prevention and recommendations of the Correctional Medical
33 Authority. It is not unlawful for the person receiving the test
34 results to divulge the test results to the sheriff or chief
35 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 be
45 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 not
50 required under this paragraph if an inmate is released due to an
51 emergency or a court order and the detention facility receives
52 less than 30 days' notice of the release date or if the inmate is
53 transferred to the custody of the Department of Corrections for
54 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)
57 must comply with the requirements of this paragraph. If the
58 county detention facility knows that an inmate who is to be

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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 of
63 Health and the county health department in the county where the
64 inmate being released plans to reside of the release date and HIV
65 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, medication
73 and treatment information, and referrals to and contacts with the
74 county health department and local primary medical care services
75 for the treatment of HIV infection which are available in the
76 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 provisions
80 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
81 However, such results may be provided to employees or officers of
82 the sheriff or chief correctional officer who are responsible for
83 the custody and care of the affected inmate and have a need to
84 know such information, and as provided in ss. 381.004(3),
85 775.0877, and 960.003. In addition, upon request of the victim or
86 the victim's legal guardian, or the parent or legal guardian of
87 the victim if the victim is a minor, the results of any HIV test

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

99 (4) ~~(3)~~ The results of any serologic blood test on an inmate
100 are a part of that inmate's permanent medical file. Upon transfer
101 of the inmate to any other correctional facility, such file is
102 also transferred, and all relevant authorized persons must be
103 notified of positive HIV test results, as required in s.
104 775.0877.

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

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

112 381.004 HIV testing.--

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

115 (a) No person in this state shall order a test designed to
116 identify the human immunodeficiency virus, or its antigen or

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117 antibody, without first obtaining the informed consent of the
118 person upon whom the test is being performed, except as specified
119 in paragraph (h). Informed consent shall be preceded by an
120 explanation of the right to confidential treatment of information
121 identifying the subject of the test and the results of the test
122 to the extent provided by law. Information shall also be provided
123 on the fact that a positive HIV test result will be reported to
124 the county health department with sufficient information to
125 identify the test subject and on the availability and location of
126 sites at which anonymous testing is performed. As required in
127 paragraph (4) (c), each county health department shall maintain a
128 list of sites at which anonymous testing is performed, including
129 the locations, phone numbers, and hours of operation of the
130 sites. Consent need not be in writing provided there is
131 documentation in the medical record that the test has been
132 explained and the consent has been obtained.

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

136 1. Is not competent, is incapacitated, or is otherwise
137 unable to make an informed judgment; or

138 2. Has not reached the age of majority, except as provided
139 in s. 384.30.

140 (c) The person ordering the test or that person's designee
141 shall ensure that all reasonable efforts are made to notify the
142 test subject of his or her test result. Notification of a person
143 with a positive test result shall include information on the
144 availability of appropriate medical and support services, on the
145 importance of notifying partners who may have been exposed, and

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146 on preventing transmission of HIV. Notification of a person with
147 a negative test result shall include, as appropriate, information
148 on preventing the transmission of HIV. When testing occurs in a
149 hospital emergency department, detention facility, or other
150 facility and the test subject has been released before being
151 notified of positive test results, informing the county health
152 department for that department to notify the test subject
153 fulfills this responsibility.

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

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

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

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

174 4. Corroborating or confirmatory testing must be conducted

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

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

187 1. The subject of the test or the subject's legally
188 authorized representative.

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

199 3. An authorized agent or employee of a health facility or
200 health care provider if the health facility or health care
201 provider itself is authorized to obtain the test results, the
202 agent or employee participates in the administration or provision
203 of patient care or handles or processes specimens of body fluids

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204 or tissues, and the agent or employee has a need to know such
205 information. The department shall adopt a rule defining which
206 persons have a need to know pursuant to this subparagraph.

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

215 5. The department, in accordance with rules for reporting
216 and controlling the spread of disease, as otherwise provided by
217 state law.

218 6. A health facility or health care provider which
219 procures, processes, distributes, or uses:

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

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

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

227 8. Authorized medical or epidemiological researchers who
228 may not further disclose any identifying characteristics or
229 information.

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

232 a. No court of this state shall issue such order unless the

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233 | court finds that the person seeking the test results has
234 | demonstrated a compelling need for the test results which cannot
235 | be accommodated by other means. In assessing compelling need,
236 | the court shall weigh the need for disclosure against the privacy
237 | interest of the test subject and the public interest which may be
238 | disserved by disclosure which deters blood, organ, and semen
239 | donation and future human immunodeficiency virus-related testing
240 | or which may lead to discrimination. This paragraph shall not
241 | apply to blood bank donor records.

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

247 | c. Before granting any such order, the court shall provide
248 | the individual whose test result is in question with notice and a
249 | reasonable opportunity to participate in the proceedings if he or
250 | she is not already a party.

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

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

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

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

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

284 13. A health care provider involved in the delivery of a
285 child can note the mother's HIV test results in the child's
286 medical record.

287 14. Medical personnel or nonmedical personnel who have been
288 subject to a significant exposure during the course of medical
289 practice or in the performance of professional duties, or
290 individuals who are the subject of the significant exposure as

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291 provided in subparagraphs (h)10.-12.

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

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

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

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320 of this section.

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

323 1. When testing for sexually transmissible diseases is
324 required by state or federal law, or by rule including the
325 following situations:

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

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

331 c. Testing for HIV by a medical examiner in accordance with
332 s. 406.11.

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

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

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

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

345 4. For the performance of an HIV-related test by licensed
346 medical personnel for medical diagnosis of acute illness where,
347 in the opinion of the attending physician, obtaining informed
348 consent would be detrimental to the patient, as supported by

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349 | documentation in the medical record, and the test results are
350 | necessary for medical diagnostic purposes to provide appropriate
351 | care or treatment to the person being tested. Notification of
352 | test results in accordance with paragraph (c) is required if it
353 | would not be detrimental to the patient. This subparagraph does
354 | not authorize the routine testing of patients for HIV infection
355 | without informed consent.

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

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

366 | 7. When an HIV test is mandated by court order.

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

373 | 9. When human tissue is collected lawfully without the
374 | consent of the donor for corneal removal as authorized by s.
375 | 765.5185 or enucleation of the eyes as authorized by s. 765.519.

376 | 10. For the performance of an HIV test upon an individual
377 | who comes into contact with medical personnel in such a way that

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

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

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

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407 physician documents, in the medical record of the medical
408 personnel, that there has been a significant exposure and that,
409 in the physician's medical judgment, the information is medically
410 necessary to determine the course of treatment for the medical
411 personnel.

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

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

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

428 f. If the source of the exposure will not voluntarily
429 submit to HIV testing and a blood sample is not available, the
430 medical personnel or the employer of such person acting on behalf
431 of the employee may seek a court order directing the source of
432 the exposure to submit to HIV testing. A sworn statement by a
433 physician licensed under chapter 458 or chapter 459 that a
434 significant exposure has occurred and that, in the physician's
435 medical judgment, testing is medically necessary to determine the

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436 course of treatment constitutes probable cause for the issuance
437 of an order by the court. The results of the test shall be
438 released to the source of the exposure and to the person who
439 experienced the exposure.

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

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

460 b. HIV testing shall be conducted only after a licensed
461 physician documents, in the medical record of the medical
462 personnel or nonmedical personnel, that there has been a
463 significant exposure and that, in the physician's medical
464 judgment, the information is medically necessary to determine the

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465 course of treatment for the medical personnel or nonmedical
466 personnel.

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

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

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

484 f. If the source of the exposure will not voluntarily
485 submit to HIV testing and a blood sample was not obtained during
486 treatment for the medical emergency, the medical personnel, the
487 employer of the medical personnel acting on behalf of the
488 employee, or the nonmedical personnel may seek a court order
489 directing the source of the exposure to submit to HIV testing. A
490 sworn statement by a physician licensed under chapter 458 or
491 chapter 459 that a significant exposure has occurred and that, in
492 the physician's medical judgment, testing is medically necessary
493 to determine the course of treatment constitutes probable cause

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494 | for the issuance of an order by the court. The results of the
495 | test shall be released to the source of the exposure and to the
496 | person who experienced the exposure.

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

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

510 | b. Costs of any HIV test performed under this subparagraph
511 | may not be charged to the deceased or to the family of the
512 | deceased person.

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

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

520 | 13. For the performance of an HIV-related test medically
521 | indicated by licensed medical personnel for medical diagnosis of
522 | a hospitalized infant as necessary to provide appropriate care

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523 and treatment of the infant when, after a reasonable attempt, a
524 parent cannot be contacted to provide consent. The medical
525 records of the infant shall reflect the reason consent of the
526 parent was not initially obtained. Test results shall be
527 provided to the parent when the parent is located.

528 14. For the performance of HIV testing conducted to monitor
529 the clinical progress of a patient previously diagnosed to be HIV
530 positive.

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

533 Section 3. This act shall take effect July 1, 2008.