

By Senator Wilson

33-00677-09

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1                   A bill to be entitled  
2           An act relating to HIV testing; creating s. 384.311,  
3           F.S.; requiring HIV testing to be offered as a routine  
4           part of a patient's annual physical examination;  
5           requiring a health care provider to provide the  
6           patient with certain information concerning HIV  
7           testing; providing definitions; requiring the  
8           Department of Health to adopt rules; providing an  
9           effective date.

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

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13           Section 1. Section 384.311, Florida Statutes, is created to  
14 read:

15           384.311 HIV testing as a routine part of an annual physical  
16 exam; duty of health care provider.—

17           (1) Every health care provider, including every physician  
18 licensed under chapter 458 or chapter 459, shall offer an HIV  
19 test as a routine part of an annual physical examination of a  
20 patient as specified by department rule. Testing shall be  
21 performed by a laboratory approved for such purposes under part  
22 I of chapter 483.

23           (2) A health care provider shall inform the patient that  
24 the HIV test is planned, provide information about the test, and  
25 inform the patient that there are numerous treatment options  
26 available for a patient who tests positive for the presence of  
27 the antibody or antigen to the human immunodeficiency virus. The  
28 health care provider shall also inform the patient that a person  
29 who tests negative should continue to be routinely tested. The

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30 health care provider shall advise the patient that he or she has  
31 the right to decline the test. If the patient objects to  
32 testing, a written statement of objection, signed by the  
33 patient, shall be placed in the patient's medical record.

34 (3) As used in this section, the term:

35 (a) "Health care provider" means a person who is licensed  
36 in this state and who, as part of his or her scope of practice,  
37 performs physical examinations and orders, performs, or  
38 administers HIV testing.

39 (b) "HIV test" means a test ordered to determine the  
40 presence of the antibody or antigen to human immunodeficiency  
41 virus or the presence of human immunodeficiency virus infection.

42 (4) The department shall adopt rules to administer this  
43 section.

44 Section 2. This act shall take effect July 1, 2009.