

By Senator Wilson

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1 A bill to be entitled
2 An act relating to the testing of children for
3 infectious diseases in certain juvenile detention
4 facilities or juvenile assessment centers; creating s.
5 985.1351, F.S.; requiring each juvenile assessment
6 center or juvenile detention facility to have a
7 written procedure regarding the testing of juveniles
8 for infectious diseases; requiring the Department of
9 Health to designate certain counties, if approved by
10 the county's governing body, to participate in a
11 program to test each juvenile for HIV who is referred
12 to or who is under the supervision of the Department
13 of Juvenile Justice; requiring certain juvenile
14 assessment centers or juvenile detention facilities to
15 comply with certain requirements regarding the release
16 of juveniles who are HIV positive; requiring the
17 disclosure of certain juveniles' HIV tests under
18 certain circumstances; providing that any serologic
19 blood test results of a juvenile is part of the
20 juvenile's permanent medical file; providing sovereign
21 immunity to certain state agencies or employees for
22 negligently causing death or personal injury arising
23 out of compliance with the act; amending s. 381.004,
24 F.S.; providing that informed consent is not required
25 for an HIV test of a juvenile which is performed
26 during the intake process at a juvenile assessment
27 center or juvenile detention facility; providing an
28 effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Section 985.1351, Florida Statutes, is created
33 to read:

34 985.1351 Blood test of a child referred to or under the
35 supervision of the department.—

36 (1) Each juvenile assessment center or juvenile detention
37 facility shall have a written procedure, developed in
38 consultation with a facility medical provider, establishing
39 conditions under which a child who is referred to or under the
40 supervision of the department will be tested for infectious
41 diseases, including human immunodeficiency virus, which
42 procedure must be consistent with guidelines of the Centers for
43 Disease Control and Prevention and recommendations of the
44 Correctional Medical Authority. It is not unlawful for the
45 person receiving the test results to divulge the test results to
46 the child's parents, guardian, or legal custodian or to the
47 juvenile probation officer assigned to the child.

48 (2) (a) The Department of Health shall designate two
49 counties having a population of 1.2 million or more and five
50 counties having a population of fewer than 1.2 million to
51 participate in the testing program provided in this subsection,
52 if participation in the testing program is authorized by a
53 majority of the county's governing body. Each juvenile
54 assessment center or juvenile detention facility that lies
55 within the authority of any participating county shall,
56 consistent with s. 381.004(3), perform an HIV test as defined in
57 s. 381.004(2) during the intake process on each child who is
58 referred to or is under the supervision of the department unless

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59 the center or facility knows that the child is HIV positive. The
60 required test must be performed within 20 days after the intake
61 date of the child. A test is not required under this paragraph
62 if a child who is taken into custody is released within 10 days
63 to his or her parent, guardian, legal custodian, or, if the
64 child's parent, guardian, or legal custodian is not available,
65 unwilling, or unable to provide supervision for the child, to
66 any responsible adult pursuant to s. 985.115(2) (a).

67 (b) Each juvenile assessment center or juvenile detention
68 facility in a county that participates in the testing program
69 authorized in paragraph (a) must comply with the requirements of
70 this paragraph. If the assessment center or detention facility
71 knows that a child who is to be released from the center or
72 facility is HIV positive or has received a positive HIV test
73 result, that center or facility shall, before the child is
74 released:

75 1. Notify, consistent with s. 381.004(3), the Department of
76 Health and the county health department in the county where the
77 child being released plans to reside of the release date and HIV
78 status of the child.

79 2. Provide special transitional assistance to the child and
80 his or her parents, guardian, or legal custodian, which must
81 include:

82 a. Education on preventing the transmission of HIV to
83 others and on the importance of receiving followup medical care
84 and treatment.

85 b. A written, individualized discharge plan that includes
86 records of all laboratory and diagnostic test results,
87 medication and treatment information, and referrals to and

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88 contacts with the county health department and local primary
89 medical care services for the treatment of HIV infection which
90 are available in the area where the child plans to reside.

91 (3) Upon request of the victim or the victim's legal
92 guardian, or the parent or legal guardian of the victim if the
93 victim is a minor, the results of any HIV test performed on a
94 child who has been arrested for any sexual offense involving
95 oral, anal, or vaginal penetration by, or union with, the sexual
96 organ of another, shall be disclosed to the victim or the
97 victim's legal guardian, or to the parent or legal guardian of
98 the victim if the victim is a minor. In such cases, the juvenile
99 assessment center or juvenile detention facility shall furnish
100 the test results to the Department of Health, which shall
101 disclose the results to public health agencies as provided in s.
102 775.0877 and to the victim or the victim's legal guardian, or
103 the parent or legal guardian of the victim if the victim is a
104 minor, as provided in s. 960.003(3).

105 (4) The results of any serologic blood test of a child are
106 a part of that child's permanent medical file. Upon the transfer
107 of the child to any other juvenile assessment center or juvenile
108 detention facility, such file shall also be transferred and all
109 relevant authorized persons must be notified of positive HIV
110 test results as required in s. 775.0877.

111 (5) Notwithstanding any law providing for a waiver of
112 sovereign immunity, the state, its agencies or subdivisions, and
113 employees of the state, its agencies, or subdivisions, are not
114 liable to any person for negligently causing death or personal
115 injury arising out of compliance with this section.

116 Section 2. Subsection (3) of section 381.004, Florida

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117 Statutes, is amended to read:

118 381.004 HIV testing.—

119 (3) ~~HUMAN IMMUNODEFICIENCY VIRUS TESTING;~~ INFORMED CONSENT;
120 RESULTS; COUNSELING; CONFIDENTIALITY.—

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

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

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

145 2. Has not reached the age of majority, except as provided

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146 in s. 384.30.

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

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

163 1. Preliminary test results may be released to licensed
164 physicians or the medical or nonmedical personnel subject to the
165 significant exposure for purposes of subparagraphs (h)10., 11.,
166 and 12.

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

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

177 3. The results of rapid testing technologies shall be
178 considered preliminary and may be released in accordance with
179 the manufacturer's instructions as approved by the federal Food
180 and Drug Administration.

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

186 (e) Except as provided in this section, the identity of any
187 person upon whom a test has been performed and test results are
188 confidential and exempt from the provisions of s. 119.07(1). A
189 ~~No~~ person who has obtained or has knowledge of a test result
190 pursuant to this section may not disclose or be compelled to
191 disclose the identity of any person upon whom a test is
192 performed, or the results of such a test in a manner that ~~which~~
193 permits identification of the subject of the test, except to the
194 following persons:

195 1. The subject of the test or the subject's legally
196 authorized representative.

197 2. Any person, including third-party payors, designated in
198 a legally effective release of the test results executed prior
199 to or after the test by the subject of the test or the subject's
200 legally authorized representative. The test subject may in
201 writing authorize the disclosure of the test subject's HIV test
202 results to third party payors, who need not be specifically
203 identified, and to other persons to whom the test subject

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204 subsequently issues a general release of medical information. A
205 general release without such prior written authorization is not
206 sufficient to release HIV test results.

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

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

224 5. The department, in accordance with rules for reporting
225 and controlling the spread of disease, as otherwise provided by
226 state law.

227 6. A health facility or health care provider which
228 procures, processes, distributes, or uses:

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

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

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

236 8. Authorized medical or epidemiological researchers who
237 may not further disclose any identifying characteristics or
238 information.

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

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

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

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

260 d. Court proceedings as to disclosure of test results shall
261 be conducted in camera, unless the subject of the test agrees to

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262 a hearing in open court or unless the court determines that a
263 public hearing is necessary to the public interest and the
264 proper administration of justice.

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

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

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

288 12. Those employees of residential facilities or of
289 community-based care programs that care for developmentally
290 disabled persons, pursuant to chapter 393, who are directly

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291 involved in the care, control, or custody of such test subject
292 and who have a need to know such information.

293 13. A health care provider involved in the delivery of a
294 child can note the mother's HIV test results in the child's
295 medical record.

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

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

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

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320 oral notice and followed by a written notice within 10 days,
321 except that this notice shall not be required for disclosures
322 made pursuant to subparagraphs (e)3. and 4.

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

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

332 1. When testing for sexually transmissible diseases is
333 required by state or federal law, or by rule including the
334 following situations:

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

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

340 c. Testing for HIV by a medical examiner in accordance with
341 s. 406.11.

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

343 e. HIV testing of children who are referred to or who are
344 under the supervision of the Department of Juvenile Justice
345 under s. 985.1351 during the intake process at a juvenile
346 assessment center or juvenile detention facility.

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

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

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

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

369 6. For the performance of an HIV test upon a defendant
370 pursuant to the victim's request in a prosecution for any type
371 of sexual battery where a blood sample is taken from the
372 defendant voluntarily, pursuant to court order for any purpose,
373 or pursuant to the provisions of s. 775.0877, s. 951.27, or s.
374 960.003; however, the results of any HIV test performed shall be
375 disclosed solely to the victim and the defendant, except as
376 provided in ss. 775.0877, 951.27, and 960.003.

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

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

384 9. When human tissue is collected lawfully without the
385 consent of the donor for corneal removal as authorized by s.
386 765.5185 or enucleation of the eyes as authorized by s. 765.519.

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

401 a. Prior to performance of an HIV test on a voluntarily
402 obtained blood sample, the individual from whom the blood was
403 obtained shall be requested to consent to the performance of the
404 test and to the release of the results. If consent cannot be
405 obtained within the time necessary to perform the HIV test and
406 begin prophylactic treatment of the exposed medical personnel,

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407 all information concerning the performance of an HIV test and
408 any HIV test result shall be documented only in the medical
409 personnel's record unless the individual gives written consent
410 to entering this information on the individual's medical record.

411 b. Reasonable attempts to locate the individual and to
412 obtain consent shall be made, and all attempts must be
413 documented. If the individual cannot be found or is incapable of
414 providing consent, an HIV test may be conducted on the available
415 blood sample. If the individual does not voluntarily consent to
416 the performance of an HIV test, the individual shall be informed
417 that an HIV test will be performed, and counseling shall be
418 furnished as provided in this section. However, HIV testing
419 shall be conducted only after appropriate medical personnel
420 under the supervision of a licensed physician documents, in the
421 medical record of the medical personnel, that there has been a
422 significant exposure and that, in accordance with the written
423 protocols based on the National Centers for Disease Control and
424 Prevention guidelines on HIV postexposure prophylaxis and in the
425 physician's medical judgment, the information is medically
426 necessary to determine the course of treatment for the medical
427 personnel.

428 c. Costs of any HIV test of a blood sample performed with
429 or without the consent of the individual, as provided in this
430 subparagraph, shall be borne by the medical personnel or the
431 employer of the medical personnel. However, costs of testing or
432 treatment not directly related to the initial HIV tests or costs
433 of subsequent testing or treatment may not be borne by the
434 medical personnel or the employer of the medical personnel.

435 d. In order to utilize the provisions of this subparagraph,

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436 the medical personnel must either be tested for HIV pursuant to
437 this section or provide the results of an HIV test taken within
438 6 months prior to the significant exposure if such test results
439 are negative.

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

444 f. If the source of the exposure will not voluntarily
445 submit to HIV testing and a blood sample is not available, the
446 medical personnel or the employer of such person acting on
447 behalf of the employee may seek a court order directing the
448 source of the exposure to submit to HIV testing. A sworn
449 statement by a physician licensed under chapter 458 or chapter
450 459 that a significant exposure has occurred and that, in the
451 physician's medical judgment, testing is medically necessary to
452 determine the course of treatment constitutes probable cause for
453 the issuance of an order by the court. The results of the test
454 shall be released to the source of the exposure and to the
455 person who experienced the exposure.

456 11. For the performance of an HIV test upon an individual
457 who comes into contact with medical personnel in such a way that
458 a significant exposure has occurred during the course of
459 employment or within the scope of practice of the medical
460 personnel while the medical personnel provides emergency medical
461 treatment to the individual; or notwithstanding s. 384.287, an
462 individual who comes into contact with nonmedical personnel in
463 such a way that a significant exposure has occurred while the
464 nonmedical personnel provides emergency medical assistance

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465 during a medical emergency. For the purposes of this
466 subparagraph, a medical emergency means an emergency medical
467 condition outside of a hospital or health care facility that
468 provides physician care. The test may be performed only during
469 the course of treatment for the medical emergency.

470 a. An individual who is capable of providing consent shall
471 be requested to consent to an HIV test prior to the testing. If
472 consent cannot be obtained within the time necessary to perform
473 the HIV test and begin prophylactic treatment of the exposed
474 medical personnel and nonmedical personnel, all information
475 concerning the performance of an HIV test and its result, shall
476 be documented only in the medical personnel's or nonmedical
477 personnel's record unless the individual gives written consent
478 to entering this information on the individual's medical record.

479 b. HIV testing shall be conducted only after appropriate
480 medical personnel under the supervision of a licensed physician
481 documents, in the medical record of the medical personnel or
482 nonmedical personnel, that there has been a significant exposure
483 and that, in accordance with the written protocols based on the
484 National Centers for Disease Control and Prevention guidelines
485 on HIV postexposure prophylaxis and in the physician's medical
486 judgment, the information is medically necessary to determine
487 the course of treatment for the medical personnel or nonmedical
488 personnel.

489 c. Costs of any HIV test performed with or without the
490 consent of the individual, as provided in this subparagraph,
491 shall be borne by the medical personnel or the employer of the
492 medical personnel or nonmedical personnel. However, costs of
493 testing or treatment not directly related to the initial HIV

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494 tests or costs of subsequent testing or treatment may not be
495 borne by the medical personnel or the employer of the medical
496 personnel or nonmedical personnel.

497 d. In order to utilize the provisions of this subparagraph,
498 the medical personnel or nonmedical personnel shall be tested
499 for HIV pursuant to this section or shall provide the results of
500 an HIV test taken within 6 months prior to the significant
501 exposure if such test results are negative.

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

506 f. If the source of the exposure will not voluntarily
507 submit to HIV testing and a blood sample was not obtained during
508 treatment for the medical emergency, the medical personnel, the
509 employer of the medical personnel acting on behalf of the
510 employee, or the nonmedical personnel may seek a court order
511 directing the source of the exposure to submit to HIV testing. A
512 sworn statement by a physician licensed under chapter 458 or
513 chapter 459 that a significant exposure has occurred and that,
514 in the physician's medical judgment, testing is medically
515 necessary to determine the course of treatment constitutes
516 probable cause for the issuance of an order by the court. The
517 results of the test shall be released to the source of the
518 exposure and to the person who experienced the exposure.

519 12. For the performance of an HIV test by the medical
520 examiner or attending physician upon an individual who expired
521 or could not be resuscitated while receiving emergency medical
522 assistance or care and who was the source of a significant

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523 exposure to medical or nonmedical personnel providing such
524 assistance or care.

525 a. HIV testing may be conducted only after appropriate
526 medical personnel under the supervision of a licensed physician
527 documents in the medical record of the medical personnel or
528 nonmedical personnel that there has been a significant exposure
529 and that, in accordance with the written protocols based on the
530 National Centers for Disease Control and Prevention guidelines
531 on HIV postexposure prophylaxis and in the physician's medical
532 judgment, the information is medically necessary to determine
533 the course of treatment for the medical personnel or nonmedical
534 personnel.

535 b. Costs of any HIV test performed under this subparagraph
536 may not be charged to the deceased or to the family of the
537 deceased person.

538 c. For the provisions of this subparagraph to be
539 applicable, the medical personnel or nonmedical personnel must
540 be tested for HIV under this section or must provide the results
541 of an HIV test taken within 6 months before the significant
542 exposure if such test results are negative.

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

545 13. For the performance of an HIV-related test medically
546 indicated by licensed medical personnel for medical diagnosis of
547 a hospitalized infant as necessary to provide appropriate care
548 and treatment of the infant when, after a reasonable attempt, a
549 parent cannot be contacted to provide consent. The medical
550 records of the infant shall reflect the reason consent of the
551 parent was not initially obtained. Test results shall be

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552 provided to the parent when the parent is located.

553 14. For the performance of HIV testing conducted to monitor
554 the clinical progress of a patient previously diagnosed to be
555 HIV positive.

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

558 Section 3. This act shall take effect July 1, 2010.