

2018 Regular Session

HOUSE BILL NO. 821

BY REPRESENTATIVES REYNOLDS, BAGLEY, COX, HENSGENS, HOFFMANN,
HORTON, LEBAS, AND POPE

AIDS: Provides relative to procedures for HIV testing in cases of possible exposure in certain healthcare settings and emergency situations

1 AN ACT

2 To amend and reenact R.S. 40:1157.3(B) and (C) and to repeal R.S. 40:1157.3(F), relative
3 to procedures for human immunodeficiency virus testing; to provide for an exception
4 to obtaining informed consent in testing for human immunodeficiency virus and
5 other infectious agents; to provide for the duties of the hospital infection control
6 committee; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1157.3(B) and (C) are hereby amended and reenacted to read as
9 follows:

10 §1157.3. Exception to obtaining informed consent; human immunodeficiency virus
11 or other infectious agents

12 * * *

13 B.(1) Notwithstanding the provisions of R.S. 40:1157.1 or any other law to
14 the contrary, whenever it is determined by the infectious disease control officer of
15 any law enforcement, fire service, or emergency medical service agency or
16 organization that an agent or employee of the agency or organization has been
17 exposed to the blood or bodily fluids of a patient while rendering emergency medical
18 services, transporting, or treating an ill or injured patient in such a manner as to
19 create any risk that the agent or employee may become infected with the human

1 immunodeficiency virus or other infectious agent if the patient is infected with the
 2 human immunodeficiency virus or other infectious agent, in accordance with the
 3 infectious disease exposure guidelines of the Centers for Disease Control or the
 4 infectious disease exposure standards of the agency or organization, then the
 5 infectious disease control officer of the agency or organization may present the facts
 6 to the infection control committee of the hospital or other health care facility to
 7 which the patient has been transported. If the hospital infection control committee
 8 agrees that there has been a potential exposure to the agency or organization
 9 personnel, the hospital infection control committee ~~may~~ shall, while the patient is in
 10 such hospital and without the consent of the patient, conduct such tests as are
 11 provided for in this Section.

12 (2) Inclusive of any other medically required test utilized to determine
 13 whether the patient is infected with the human immunodeficiency virus, the hospital
 14 infection control committee shall conduct a rapid human immunodeficiency virus
 15 test approved by the United States Food and Drug Administration.

16 C. The results of the test shall not become a part of the patient's medical
 17 record and shall be confidential, except that the hospital ~~may~~ shall immediately
 18 inform the exposed employee, agent, or physician, or the infectious disease control
 19 officer of the law enforcement, fire service, or emergency medical service agency
 20 of the results of the test.

21 * * *

22 Section 2. R.S. 40:1157.3(F) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 821 Engrossed 2018 Regular Session Reynolds

Abstract: Provides for an exception to informed consent testing for human immunodeficiency virus and other infectious diseases in certain healthcare settings.

Present law provides for an exception to informed consent in testing for human immunodeficiency virus (HIV) and other infectious agents when it is determined by the

infectious disease control officer, law enforcement, fire service, or emergency medical service agency that an employee has been exposed to blood or bodily fluids of a patient while rendering medical service.

Proposed law provides that the hospital infection control committee shall conduct with or without patient consent a rapid HIV and any other infectious disease testing on a patient who exposes an employee to blood or bodily fluids while rendering medical service.

Present law authorizes the hospital to inform the exposed individual of the test results.

Proposed law changes present law to require the hospital to inform the exposed individual of the test results.

Present law provides that present law is to not be construed as a requirement that a hospital perform such test.

Proposed law repeals present law.

(Amends R.S. 40:1157.3(B) and (C); Repeals R.S. 40:1157.3(F))