### 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; to provide for the duties of the infectious disease control officer; to
7	provide for Good Samaritans; to provide for definitions; and to provide for related
8	matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 40:1157.3(B) and (C) are hereby amended and reenacted to read as
11	follows:
12	§1157.3. Exception to obtaining informed consent; human immunodeficiency virus
13	or other infectious agents
14	* * *
15	B.(1) Notwithstanding the provisions of R.S. 40:1157.1 or any other law to
16	the contrary, whenever it is determined by the infectious disease control officer of
17	any law enforcement, fire service, or emergency medical service agency or
18	organization that an agent or employee of the agency or organization has been
19	exposed to the blood or bodily fluids of a patient while rendering emergency medical

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	services, transporting, or treating an ill or injured patient in such a manner as to
2	create any risk that the agent or employee may become infected with the human
3	immunodeficiency virus or other infectious agent if the patient is infected with the
4	human immunodeficiency virus or other infectious agent, in accordance with the
5	infectious disease exposure guidelines of the Centers for Disease Control or the
6	infectious disease exposure standards of the agency or organization, then the
7	infectious disease control officer of the agency or organization may present the facts
8	to the infection control committee of the hospital or other health care facility to
9	which the patient has been transported. If the hospital infection control committee
10	agrees that there has been a potential exposure to the agency or organization
11	personnel, the hospital infection control committee may shall, while the patient is in
12	such hospital and without the consent of the patient, conduct such tests as are
13	provided for in this Section.
14	(2)(a) Any Good Samaritan who believes he has sustained an exposure to an
15	infectious disease from a person while rendering emergency healthcare services shall
16	report to the hospital where the person is transported as soon as possible, but within
17	four hours of the possible exposure.
18	(b) In the event that the Good Samaritan is unaware of where the patient is
19	taken, the Good Samaritan may contact the designated infectious disease control
20	officer of the transporting agency to make the report to the hospital on behalf of the
21	Good Samaritan.
22	(c) If the hospital infection control committee agrees that there has been a
23	potential exposure to the Good Samaritan, the hospital infection control committee
24	shall, while the patient is in such hospital and without the consent of the patient,
25	conduct such tests as are provided for in this Section.
26	(d) For the purpose of this Section, "Good Samaritan" means a person who
27	in good faith gratuitously renders emergency care or services at the scene of an
28	emergency.

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1	(3) Inclusive of any other medically required test utilized to determine
2	whether the patient is infected with the human immunodeficiency virus, the hospital
3	infection control committee shall conduct a rapid human immunodeficiency virus
4	test approved by the United States Food and Drug Administration.
5	C. The results of the test shall not become a part of the patient's medical
6	record and shall be confidential, except that the hospital may shall immediately
7	inform the exposed employee, agent, or physician, or the infectious disease control
8	officer of the law enforcement, fire service, or emergency medical service agency,
9	or Good Samaritan of the results of the test.
10	* * *

### DIGEST

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

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 Reengrossed	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.

<u>Present law</u> 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.

<u>Proposed law</u> adds to <u>present law</u> 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 that a Good Samaritan has been exposed to blood or bodily fluids of a patient while rendering medical service.

<u>Proposed law</u> 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 or Good Samaritan to blood or bodily fluids while rendering medical service.

<u>Proposed law</u> requires any Good Samaritan who believes he has sustained an exposure to an infectious disease from a person while rendering emergency healthcare services shall report to the hospital where the person is transported as soon as possible, but within four hours of possible exposure.

<u>Proposed law</u> provides that in the event that the Good Samaritan is unaware of where the patient is taken, the Good Samaritan may contact the designated infectious disease control

officer of the transporting agency to make the report to the hospital on behalf of the Good Samaritan.

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

<u>Proposed law</u> changes <u>present law</u> to require the hospital to inform the exposed individual of the test results.

<u>Present law</u> provides that <u>present law</u> 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))

Summary of Amendments Adopted by House

### The House Floor Amendments to the engrossed bill:

- 1. Provide 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 a Good Samaritan to blood or bodily fluids while rendering emergency service.
- 2. Provide that in the event the Good Samaritan is unaware of where the patient is taken, the Good Samaritan may contact the designated infectious disease control officer of the transporting agency to make the report to the hospital on behalf of the Good Samaritan.
- 3. Define the term "Good Samaritan".
- 4. Make technical changes.