

ACT No. 702

2018 Regular Session

HOUSE BILL NO. 821

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

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

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

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

13 A. Notwithstanding the provisions of R.S. 40:1157.1 or any other law to the
14 contrary, whenever it is ~~determined by the hospital infection control committee or~~
15 ~~equivalent body that~~ an agent or employee of a hospital, or a physician having
16 privileges at the hospital has been exposed to the blood or bodily fluids of a patient,
17 in such a manner as to create any risk that the agent, employee, or physician may
18 become infected with the human immunodeficiency virus or other infectious agent
19 if the patient is infected with the human immunodeficiency virus or other infectious
20 agent, in accordance with the infectious disease exposure guidelines of the Centers
21 for Disease Control or the infectious disease exposure standards of the health care

1 facility where the exposure occurred, then the hospital ~~infection control committee~~
 2 ~~may~~ shall, without the consent of the patient, conduct such tests on blood previously
 3 drawn or bodily fluids previously collected as are necessary to determine whether the
 4 patient is, in fact, infected with the virus or other agent believed to cause acquired
 5 immune deficiency syndrome or other infectious disease. If no previously drawn
 6 blood or collected bodily fluids are available or are suitable, the hospital ~~may~~ shall
 7 order, without the consent of the patient, that blood, bodily fluids, or both be drawn
 8 and collected from the patient to conduct the necessary tests.

9 B. Notwithstanding the provisions of R.S. 40:1157.1 or any other law to the
 10 contrary, whenever it is determined by the infectious disease control officer of any
 11 law enforcement, fire service, or emergency medical service agency or organization
 12 that an agent or employee of the agency or organization has been exposed to the
 13 blood or bodily fluids of a patient ~~while rendering emergency medical services,~~
 14 ~~transporting, or treating an ill or injured patient~~ in the course and scope of his duties
 15 and in such a manner as to create any risk that the agent or employee may become
 16 infected with the human immunodeficiency virus or other infectious agent if the
 17 patient is infected with the human immunodeficiency virus or other infectious agent,
 18 in accordance with the infectious disease exposure guidelines of the Centers for
 19 Disease Control or the infectious disease exposure standards of the agency or
 20 organization, then the infectious disease control officer of the agency or organization
 21 ~~may present the facts to the infection control committee of the hospital or other~~
 22 ~~health care facility to which the patient has been transported. If the hospital infection~~
 23 ~~control committee agrees that there has been a potential exposure to the agency or~~
 24 ~~organization personnel, the hospital infection control committee may~~ shall request
 25 that the hospital, while the patient is in such hospital and without the consent of the
 26 patient, conduct such tests as are provided for in this Section: a human
 27 immunodeficiency virus test approved by the United States Food and Drug
 28 Administration that can yield test results within no more than five hours of
 29 administering the test.

1 C. The results of the test shall not become a part of the patient's medical
 2 record and shall be confidential, except that the hospital ~~may~~ shall inform the
 3 exposed employee, agent, or physician, or the infectious disease control officer of
 4 the law enforcement, fire service, or emergency medical service agency of the results
 5 of the test within one hour of receipt of the results.

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7 F. ~~Nothing in this Subpart shall be construed to require the hospital to~~
 8 ~~perform the test described herein.~~ The law enforcement, fire service, or emergency
 9 medical service agency or organization shall ensure that an exposed employee or
 10 agent receives medically appropriate human immunodeficiency postexposure
 11 prophylaxis regimens, follow-up testing, and appropriate counseling.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____