

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 821

2018 Regular Session

Reynolds

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

Synopsis of Senate Amendments

1. Removes the hospital infection control committee as the determining body for whether an agent or employee of a hospital, or a physician at the hospital has been exposed to the blood or bodily fluids of a patient who may be infected with the human immunodeficiency virus (HIV).
2. Requires the hospital, without the consent of the patient, to conduct tests on blood previously drawn or bodily fluids previously collected as are necessary to determine whether the patient is, in fact, infected with the virus or other agent believed to cause acquired immune deficiency syndrome or other infectious disease.
3. Requires the hospital to order without the consent of the patient, if no previously drawn blood or bodily fluids have been collected, blood, bodily fluids, or both to be drawn and collected from the patient to conduct the necessary test to determine if the agent or employee of a hospital, or a physician at the hospital has been exposed to the HIV virus.
4. Provides that the hospital infection control committee shall conduct with or without patient consent a HIV test approved by the United States Food and Drug Administration that can yield test results within no more than five hours of administering the test, on a patient who exposes any law enforcement, fire service, or emergency medical service agency employee to blood or bodily fluids in the course and scope of his duties.
5. Requires that law enforcement, fire service, or emergency medical service agency or organization ensure that an exposed employee or agent receives medically appropriate human immunodeficiency post exposure prophylaxis regimens, follow-up testing, and appropriate counseling.
6. Removes provisions that provide for testing of a Good Samaritan who has been exposed to the blood or bodily fluids of a person who may be infected with HIV.

Present law provides that the hospital infection control committee determines if an agent or employee of a hospital, or a physician at the hospital has been exposed to the blood or bodily fluids of a patient who may be infected with the human immunodeficiency virus (HIV).

Proposed law removes the hospital infection control committee as the determining body for whether an agent or employee of a hospital, or a physician at the hospital has been exposed to the blood or bodily fluids of a patient who may be infected with the human immunodeficiency virus (HIV).

Present law allows the hospital infection control committee without the consent of the patient, to conduct test on blood previously drawn or bodily fluids previously collected as are necessary to determine whether the patient is, in fact, infected with the virus or other agent believed to cause acquired immune deficiency syndrome or other infectious disease. Proposed law retains present law but requires the hospital not the hospital infection control

committee to conduct the test.

Present law allows the hospital, if no previously drawn blood or collected bodily fluids are available or are suitable, to order without the consent of the patient, blood, bodily fluids, or both be drawn and collected from the patient to conduct the necessary test to determine if the agent or employee of a hospital, or a physician at the hospital has been exposed to HIV.

Proposed law changes present law by requiring the hospital, if no previously drawn blood or collected bodily fluids are available or are suitable, to order without the consent of the patient, blood, bodily fluids, or both be drawn and collected from the patient to conduct the necessary test to determine if the agent or employee of a hospital, or a physician at the hospital has been exposed to HIV.

Present law provides an exception to informed consent in testing for HIV and other infectious agents when it is determined by the infectious disease control officer of any 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 HIV test approved by the United States Food and Drug Administration that can yield test results within no more than five hours of administering the test, on a patient who exposes any law enforcement, fire service, or emergency medical service agency employee to blood or bodily fluids in the course and scope of his duties.

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.

Proposed law requires that law enforcement, fire service, or emergency medical service agency or organization ensure that an exposed employee or agent receives medically appropriate human immunodeficiency post exposure prophylaxis regimens, follow-up testing, and appropriate counseling.

(Amends R.S. 40:1157.3(A),(B), (C) and (F))