

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

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.

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.

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))

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.