

RÉSUMÉ DIGEST

ACT 702 (HB 821)

2018 Regular Session

Reynolds

Prior law required a hospital infection control committee to determine 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).

New 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).

Prior law allowed 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. New law requires the hospital, not the hospital infection control committee, to conduct the test.

Prior law allowed the hospital, if no previously drawn blood or collected bodily fluids were 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.

New law changes prior 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.

Existing 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.

New 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.

Prior law authorized the hospital to inform the exposed individual of the test results.

New law changes prior law to require the hospital to inform the exposed individual of the test results within one hour of receipt of the results.

New 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.

Effective August 1, 2018.

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