

Department of Fiscal Services  
Maryland General Assembly

FISCAL NOTE

House Bill 1094 (Frederick County Delegation)  
Judiciary

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**Frederick County - Frederick County Adult Detention Center - Testing of Inmates**

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This bill requires an inmate at the Frederick County Adult Detention Center to provide a blood sample to be tested for the presence of a contagious disease or virus when: (1) there has been an exposure involving the inmate; (2) the exposure occurred in connection with the inmate's violation of institutional regulations; (3) the inmate is found guilty of the violation; (4) the correctional employee involved in the exposure has given written notice of the exposure to the managing official of the institution; and (5) the exposure is confirmed by a health care provider. The correctional institution must collect the blood sample and have it tested for a contagious disease or virus. The correctional employee must be notified of the test results. If the results are positive, the employee and the inmate must be provided with counseling. A health care provider is not liable in any cause of action related to obtaining and testing the blood sample without the inmate's informed consent.

The bill is effective July 1, 1997.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Potential indeterminate expenditure increase for Frederick County. No effect on revenues.

**Small Business Effect:** Potential minimal effect on small businesses as discussed below.

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**Fiscal Analysis**

**Background:** The Frederick County Adult Detention Center has an annual operating budget of \$4.8 million. It has an average daily population of approximately 394 inmates. The center provides voluntary health services, including HIV testing through the local health department, to its inmates. The majority of the services are provided through a contract with a large laboratory company. The center budgeted \$46,000 for these health services in fiscal 1997.

**Local Expenditures:** The bill requires an inmate to submit a blood sample for testing of the presence of a contagious disease or virus when there has been an exposure involving the inmate. The adult detention center must collect the sample and have it tested for a contagious disease or virus. Thus, expenditures could increase depending upon the number of exposures, the number of blood samples sent for testing at either the local health department or the laboratory company, and the fees charged for the tests. Expenditures could also increase due to the costs associated with providing counseling to correctional employees and inmates that test positive for contagious diseases or viruses. The increase cannot be reliably estimated.

**Small Business Effect:** The average daily population of the Frederick County Adult Detention Center is 394 inmates. The bill requires an inmate to provide a blood sample to the center for testing of a contagious disease or virus when there is an exposure involving the inmate. Currently, the center contracts with a large laboratory company to provide health services for inmates. The local health department also conducts HIV tests on a voluntary basis for inmates. To the extent that small business laboratories receive blood samples for testing, their operations could benefit depending upon the number of blood tests and the fees charged for the tests. Although the number of blood tests is unknown, the impact would be minimal.

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**Information Source(s):** Frederick County, Department of Fiscal Services

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