J16 lr 0 5 4 2

By: Delegates West, Pena-Melnyk, and Aumann

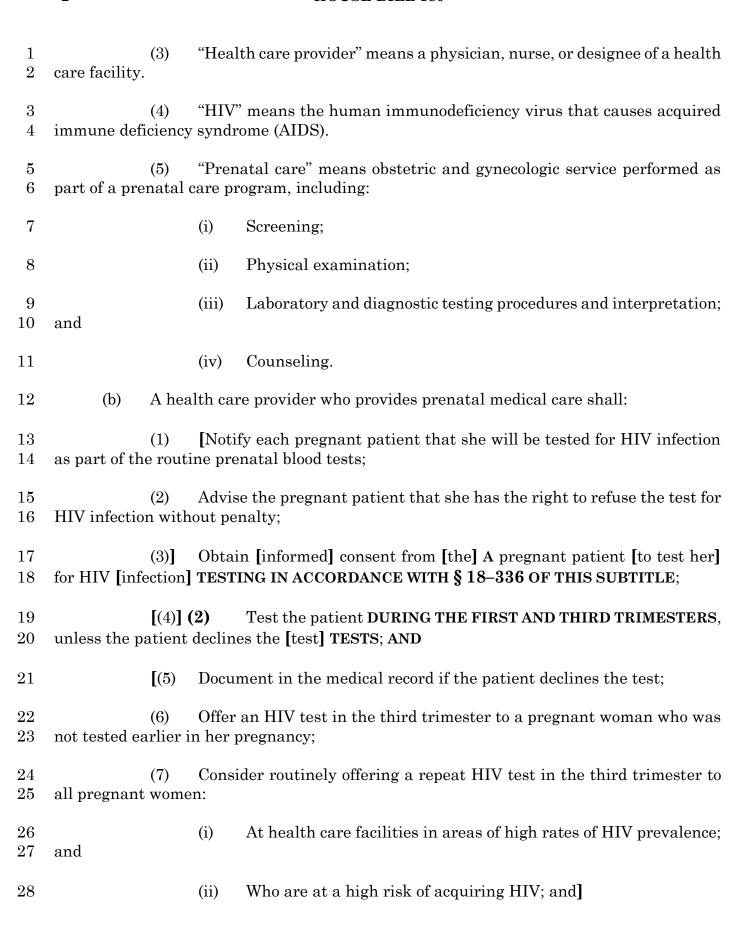
Introduced and read first time: January 21, 2016 Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning 1

4	Public Health - HIV Testing During Pregnancy
3 4 5 6 7	FOR the purpose of requiring certain health care providers to obtain consent for HIV testing in accordance with certain provisions of law and to test pregnant patients except under certain circumstances, during the first and third trimesters of pregnancy; repealing certain provisons of law made obsolete by this Act; and generally relating to HIV testing during pregnancy.
8 9 10 11 12	BY repealing and reenacting, with amendments, Article – Health – General Section 18–338.2 Annotated Code of Maryland (2015 Replacement Volume)
13 14	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND That the Laws of Maryland read as follows:
15	Article - Health - General
16	18–338.2.
17	(a) (1) In this section the following words have the meanings indicated.
18 19	(2) "Health care facility" means a facility or office where health or medical care is provided to patients by a health care provider, including:
20	(i) A hospital as defined in § 19–301 of this article;
21	(ii) A facility operated by the Department or a health officer; and
22	(iii) The office of a health care provider.





- 1 [(8)] (3) Provide a referral for treatment and supportive services, 2 including case management services.
- 3 (c) A health care provider who provides labor and delivery services to pregnant 4 women shall offer:
- 5 (1) A rapid HIV test to pregnant women with unknown or undocumented 6 HIV status during labor and delivery; and
- 7 (2) Antiretroviral prophylaxis prior to receiving the results of the 8 confirmatory test if a rapid HIV test during labor and delivery is positive.
- 9 (d) (1) As part of a health care provider's patient acceptance procedures or protocol, a health care provider shall provide a pregnant woman with counseling concerning being tested for the presence of HIV as part of the woman's prenatal care program.
- 12 (2) The counseling shall include:
- 13 (i) Information required for pretest counseling under $\$ 18–336 of 14 this subtitle; and
- 15 (ii) Education on:
- 16 The effect of a positive HIV test result on the pregnant woman and the fetus concerning the risk of transmission of HIV to the fetus; and
- 18 2. Recognized methods of reducing that risk, including the 19 use of pharmaceuticals during pregnancy known to reduce the risk of transmission of HIV 20 to the fetus.
- 21 (e) (1) Except as otherwise provided in paragraph (2) of this subsection, the 22 record of an HIV test performed under this section is confidential and not discoverable or 23 admissible in evidence in any criminal, civil, or administrative action.
- 24 (2) Provided that the identity or any other information that could readily 25 be associated with the identity of the pregnant woman is not disclosed, the results of an 26 HIV test performed under this section may be introduced into evidence in any criminal, 27 civil, or administrative action, including the adjudication of a workers' compensation claim.
- 28 (f) A health care provider, including a health care facility, acting in good faith to 29 provide the counseling required under subsection (d) of this section may not be held liable 30 in any cause of action related to a woman's decision to consent or not to consent to have an 31 HIV test.
- 32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 33 October 1, 2016.