

**Department of Fiscal Services**  
 Maryland General Assembly

**FISCAL NOTE**  
**Revised**

House Bill 254 (Delegates Morhaim and Nathan-Pulliam)  
 Environmental Matters Referred to Economic & Environmental Affairs

**Hospitals - HIV Testing - Health Care Providers**

This amended bill requires a hospital to order an HIV test under certain circumstances if there has been an “exposure” between a patient and a health care provider. A hospital is required to order an HIV test if (1) informed consent of the patient was sought and the patient refused consent; and (2) the health care provider has given informed consent. The hospital is required to (1) directly notify the patient of the test results; (2) provide or arrange for counseling for the patient and the health care provider if the test results are positive; (3) adopt written procedures for carrying out the bill’s requirements; (4) pay for the HIV tests; and (5) maintain a separate confidential record of the test. The record is prohibited from being documented in the medical record of a patient or health care provider. A health care provider or hospital acting in good faith to provide notification or maintain confidentiality may not be held liable in any cause of action relating to a breach of confidentiality.

**Fiscal Summary**

**State Effect:** General fund expenditures could increase by \$1,344 in FY 1998. Future year expenditures increase with inflation. Revenues would not be affected.

(in dollars)	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
GF Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditures	1,344	1,828	1,865	1,902	1,940
Net Effect	(\$1,344)	(\$1,828)	(\$1,865)	(\$1,902)	(\$1,940)

*Note: ( ) - decrease; GF - general funds; FF - federal funds; SF - special funds*

**Local Effect:** None.

**Small Business Effect:** None. The bill would affect hospitals which are not small businesses.

**Fiscal Analysis**

**State Expenditures:** General fund expenditures could increase by an estimated \$1,344 in fiscal 1998 for laboratory test costs. This estimate reflects (1) 18 State hospitals; (2) 20 exposures per hospital; (3) \$4.80 per ELISA test (360 tests); (4) \$21.50 per Western Blot test for the 3 individuals who test positive under the ELISA test and require a more sophisticated test to verify the results; (5) counseling provided with existing hospital resources; and (6) the bill's October 1, 1997 effective date.

Future year expenditures reflect 2% annual inflation.

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**Information Source(s):** Department of Health and Mental Hygiene, Department of Fiscal Services

**Fiscal Note History:** First Reader - February 19, 1997  
ncs Revised - House Third Reader - March 31, 1997

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