

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 1138 (Chairman, Economic Matters Committee)
(Departmental - Health and Mental Hygiene)

Economic Matters

Insurers - Disclosure Requirements - HIV Testing

This departmental bill relates to HIV testing by life and health insurers for the purpose of determining an applicant's insurability. The bill requires an insurer or its designee, prior to obtaining a fluid or tissue sample from an individual for purposes of testing for HIV infection, to: (1) obtain written informed consent from the individual; and (2) provide pretest counseling to the individual. The informed consent form is the uniform HIV informed consent form developed by the Department of Health and Mental Hygiene. The bill further requires an insurer or its designee to disclose the results of an HIV test to an authorized health care provider chosen by the applicant, if so requested by the applicant.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: The Department of Health and Mental Hygiene has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Fiscal Analysis

Background: Under Health-General §18-336, health care providers, including a designee of a health care facility, are required to obtain a written informed consent from an individual prior to performing an HIV test, and to provide pre- and post-test counseling.

State Expenditures: Workload for the Insurance Administration could increase from notifying insurers of the consent form and monitoring compliance with the bill's

requirements. Any increase, however, is assumed to be minimal and absorbable within existing resources.

Information Source(s): Insurance Administration; Department of Health and Mental Hygiene (AIDS Administration, Health Care Access and Cost Commission); Department of Budget and Management Department of Legislative Services

Fiscal Note History: First Reader - February 20, 1998

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