

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL NO. 343

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Redmer” and substitute “Redmer, Hurson, Hammen, Benson, Boutin, Bromwell, Costa, Donoghue, Elliott, Goldwater, Haynes, Hubbard, Kach, Mandel, McDonough, Murray, Oaks, Pendergrass, Rosenberg, Rudolph, Smigiel, V. Turner, and Weldon”.

AMENDMENT NO. 2

On page 1, in line 2, after “Providers” insert “and First Responders”; in line 4, after “manner” insert “and in accordance with certain recommendations”; in line 6, after the semicolon insert “requiring a first responder to give certain notice to a certain medical director under a certain circumstance; requiring the medical director to act as a certain intermediary between the first responder and a certain officer; requiring the medical director and a certain officer to ensure that certain information is confidential;”; in line 14, after the semicolon insert “requiring the AIDS Administration in the Department of Health and Mental Hygiene, in consultation with certain groups, to conduct a certain study and make certain recommendations to certain committees of the General Assembly on or before a certain date;”; and after line 22, insert:

“BY repealing and reenacting, without amendments,

Article - Health - General

Section 18-338.1(c)

Annotated Code of Maryland

(2000 Replacement Volume and 2002 Supplement)”.

AMENDMENT NO. 3

On page 2, after line 32, insert:

“(c) If, by virtue of the physical or mental condition of a patient, a physician, nurse, or designee of a health care facility is unable to obtain the informed consent of the patient to test a

(Over)

blood sample of the patient for the presence of HIV in accordance with subsection (b) of this section, the physician, nurse, or designee of the health care facility shall seek the consent of any person who has authority to consent to medical care for the patient as provided under § 5-605 of this article or as otherwise authorized by law.”.

On page 3, after line 16, insert:

“(4) “FIRST RESPONDER” MEANS AN INDIVIDUAL WHO:

(I) IS LICENSED OR CERTIFIED UNDER § 13-516 OF THE EDUCATION ARTICLE; AND

(II) PROVIDES SERVICES TO AN INDIVIDUAL BEFORE THE INDIVIDUAL IS ADMITTED TO A HOSPITAL.”;

and in lines 17, 30, and 32, strike “(4)”, “(5)”, and “(6)”, respectively, and substitute “(5)”, “(6)”, and “(7)”, respectively.

On page 4, in line 2, strike “(C)” and substitute “(D)”; in line 4, after “PROVIDER” insert “, OR AN EXPOSURE BETWEEN THE PATIENT AND A FIRST RESPONDER BEFORE ADMISSION OF THE PATIENT TO A HOSPITAL,”; in line 5, after “CONTROL” insert “AND PREVENTION”; in line 7, after “PROVIDER” insert “OR FIRST RESPONDER”; in line 8, after “CONSENT” insert “, OR SUBSTITUTE CONSENT AS REQUIRED UNDER § 18-338.1(C) OF THIS TITLE,”; in lines 9 and 10, strike “REFUSED TO CONSENT” and substitute “WAS UNAVAILABLE OR UNABLE TO CONSENT”; in line 11, after “(3)” insert “(I)”; in line 14, after the semicolon insert “OR

(II) 1. THE FIRST RESPONDER INVOLVED IN THE EXPOSURE HAS GIVEN PROMPT NOTICE TO THE MEDICAL DIRECTOR WITH JURISDICTION OVER THE FIRST RESPONDER; AND

2. THE MEDICAL DIRECTOR HAS GIVEN PROMPT NOTICE TO THE DESIGNATED HOSPITAL INFECTIOUS DISEASE/COMMUNICABLE DISEASE OFFICER WHERE THE PATIENT IS ADMITTED;”;

in lines 15 and 23, in each instance, after “PROVIDER” insert “OR FIRST RESPONDER”; in line 19, after “DETERMINATION” insert “, IN ACCORDANCE WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION RECOMMENDATIONS,”; after line 23, insert:

“(C) IF THERE HAS BEEN AN EXPOSURE BETWEEN A FIRST RESPONDER AND AN INDIVIDUAL BEFORE THE ADMISSION OF THE INDIVIDUAL TO A HOSPITAL:

(1) THE FIRST RESPONDER SHALL GIVE NOTICE TO THE FIRST RESPONDER’S MEDICAL DIRECTOR IN ACCORDANCE WITH SUBSECTION (B)(3)(II)1 OF THIS SECTION;

(2) THE MEDICAL DIRECTOR SHALL ACT AS AN INTERMEDIARY AT ALL TIMES BETWEEN THE FIRST RESPONDER AND THE DESIGNATED HOSPITAL INFECTIOUS DISEASE/COMMUNICABLE DISEASE OFFICER; AND

(3) THE MEDICAL DIRECTOR AND THE DESIGNATED HOSPITAL INFECTIOUS DISEASE/COMMUNICABLE DISEASE OFFICER SHALL ENSURE THAT ALL COMMUNICATIONS AND INFORMATION RELATED TO THE EXPOSURE OF THE FIRST RESPONDER ARE CONFIDENTIAL.”;

in line 24, strike “(C)” and substitute “(D)”; in the same line, strike “SUBSECTION (B)” and substitute “SUBSECTIONS (B) AND (C)”; in line 32, strike “(D)” and substitute “(E)”; in line 34, strike “(C)” and substitute “(D)”; in line 38, after “PROVIDER” insert “OR THE FIRST RESPONDER”; and in lines 39 and 40, strike “(E)” and “(C)”, respectively, and substitute “(F)” and “(D)”, respectively.

On page 5, in line 3, after “PROVIDER” insert “OR FIRST RESPONDER”; in lines 4, 27, 30, and 32, strike “(F)”, “(G)”, “(H)”, and “(I)”, respectively, and substitute “(G)”, “(H)”, “(I)”, and “(J)”, respectively; in line 7, strike “OR” and substitute a comma; in line 8, after “PROVIDER” insert “, OR FIRST RESPONDER”; in line 32, after “PROVIDER” insert “, FIRST RESPONDER,”; in line 36, strike “OR” and substitute a comma; in the same line, after “PROVIDER” insert “, OR FIRST RESPONDER”; after line 36, insert:

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“SECTION 2. AND BE IT FURTHER ENACTED, That the AIDS Administration in the Department of Health and Mental Hygiene, in consultation with the Maryland Hospital Association and AIDS advocacy organizations, shall study the issue of HIV testing of individuals who refuse to consent to HIV testing when there has been an exposure involving a health care provider or a first responder, as defined in § 18-338.3 of the Health - General Article, as enacted by Section 1 of this Act. The AIDS Administration shall report its finding and recommendations, in accordance with § 2-1462 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee on or before December 1, 2003.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2003.”;

in line 37, strike “2.” and substitute “4.”; in the same line, after “That” insert “, except as provided in Section 3 of this Act,”; and in line 38, strike “October” and substitute “July”.