

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL NO. 827

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, Benson, Boteler, Bromwell, Donoghue, Frank, Hammen, Hubbard, Hurson, Kach, Kullen, Mandel, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rudolph, V. Turner, and Weldon”; in line 2, strike “- Court Order” and substitute “and Public Safety Workers”; in line 5, after “circumstances;” insert “requiring certain individuals in a hospital to order tests to be conducted on blood samples of certain public safety workers for the presence of antibodies to the human immunodeficiency virus (HIV) under certain circumstances; requiring that, for a certain test to be conducted, a public safety worker must give certain notice to a certain medical director, give certain informed consent, and submit a certain sample to be tested; requiring a certain medical director to act as a certain intermediary between a certain public safety worker and a certain officer; providing for a certain limitation of liability for certain individuals;”; strike beginning with “authorizing” in line 6 down through “certain” in line 10; and in line 10, strike “circumstances;” and substitute “requiring that certain patients be informed of certain laws under certain circumstances; requiring certain individuals to attempt to notify certain patients of the results of certain tests in a certain manner and provide counseling to certain individuals under certain circumstances; requiring the Department of Health and Mental Hygiene and the Maryland Institute for Emergency Medical Services Systems to jointly develop certain regulations on the collection of certain information; defining a certain term; requiring the Department and the Maryland Institute for Emergency Medical Services Systems to report certain information to the Governor and the General Assembly on or before certain dates;”.

AMENDMENT NO. 2

On page 2, after line 29, insert:

“(8) “PUBLIC SAFETY WORKER” MEANS:

(I) A CAREER OR VOLUNTEER MEMBER OF A FIRE, RESCUE, OR

(Over)

EMERGENCY MEDICAL SERVICES DEPARTMENT, COMPANY, SQUAD, OR AUXILIARY;

(II) A LAW ENFORCEMENT OFFICER; OR

(III) THE STATE FIRE MARSHAL OR A SWORN MEMBER OF THE STATE FIRE MARSHAL'S OFFICE.”;

and in line 33, strike “OR (E)”.

AMENDMENT NO. 3

On page 3, in line 2, strike “or”; in the same line, after “responder” insert “, OR AN EXPOSURE BETWEEN A PATIENT AND A PUBLIC SAFETY WORKER”; in line 5, after “provider” insert a comma; in the same line, strike “or”; in the same line, after “responder” insert “, OR PUBLIC SAFETY WORKER”; in line 11, after “SOUGHT” insert a comma; in line 12, strike “AND”; in the same line, after “REFUSED” insert “, AND THE PATIENT WAS INFORMED OF THE PROVISIONS OF THIS SUBSECTION”; in line 17, after “1.” insert “A.”; in line 18, strike “and” and substitute “OR”; after line 18, insert:

“B. THE PUBLIC SAFETY WORKER INVOLVED IN THE EXPOSURE HAS GIVEN PROMPT NOTICE TO THE MEDICAL DIRECTOR WITH JURISDICTION OVER THE PUBLIC SAFETY WORKER; AND”;

in line 22, after “provider” insert a comma; in the same line, strike “or”; in the same line, after “responder” insert “, OR PUBLIC SAFETY WORKER”; in line 30, after “provider” insert a comma; in the same line, strike “or”; in the same line, after “responder” insert “, OR PUBLIC SAFETY WORKER”; in line 31, after “individual” insert “OR A PUBLIC SAFETY WORKER AND AN INDIVIDUAL”; in line 33, after “responder” insert “OR PUBLIC SAFETY WORKER”; in the same line, after “responder’s” insert “OR PUBLIC SAFETY WORKER’S”; and in line 36, after “responder” insert “OR PUBLIC SAFETY WORKER”.

AMENDMENT NO. 4

On page 4, in line 3, after “responder” insert “OR PUBLIC SAFETY WORKER”; strike in their entirety lines 11 through 19, inclusive; in lines 20, 22, 23, 30, and 36, in each instance, strike the brackets; in line 20, strike “(F)”; in line 22, strike “OR (E)”; in the same line, strike the colon; in line 23, strike “(1)”; in the same line, strike “THE”; in line 24, after “shall” insert “ATTEMPT TO”; in line 26, after “provider” insert a comma; in the same line, strike “or”; in the same line, after “responder” insert “, OR THE PUBLIC SAFETY WORKER”; strike beginning with “; OR” in line

26 down through “NOTIFICATION” in line 29; in line 30, strike “(G)”; in the same line, strike “EXCEPT AS PROVIDED IN SUBSECTION (F)(2) OF THIS SECTION, IF”; in line 32, strike “OR (E)”; in line 34, after “provider” insert a comma; in line 35, strike “or”; in the same line, after “responder” insert “, OR PUBLIC SAFETY WORKER”; in line 36, strike “(H)”; in line 39, strike “or”; and in the same line, after “responder” insert “, OR PUBLIC SAFETY WORKER”.

AMENDMENT NO. 5

On page 5, in lines 16, 18, and 20, in each instance, strike the brackets; in line 16, strike “(I)”; in line 18, strike “(J)”; in line 20, strike “(K)”; in the same line, after “responder,” insert “PUBLIC SAFETY WORKER,”; in line 23, strike “or”; in the same line, after “responder” insert “, OR PUBLIC SAFETY WORKER”; after line 24, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of Health and Mental Hygiene and the Maryland Institute for Emergency Medical Services Systems jointly shall develop regulations establishing procedures to collect information by county on exposures, as defined by § 18-338.3(a) of the Health - General Article and refusals to consent by a patient, as described in § 18-338.3(b)(2)(ii) of the Health - General Article, as enacted by Section 1 of this Act.

(b) The Department of Health and Mental Hygiene and the Maryland Institute for Emergency Medical Services Systems shall report the information described in subsection (a) of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on or before the following dates:

- (1) December 1, 2005;
- (2) December 1, 2006;
- (3) December 1, 2007; and
- (4) December 1, 2008.”;

and in line 25, strike “2.” and substitute “3.”.

(Over)