

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 321 (Senator McFadden) (By Request – Baltimore City Administration)
Education, Health, and Environmental Affairs Health and Government Operations

Hospitals - HIV Testing - Public Safety Worker

This bill adds a “public safety worker” to the list of individuals who may require a hospital to order an HIV test, under specified circumstances, if there has been an “exposure” between a patient and specified individuals. A “public safety worker” includes: (1) any career or volunteer member of a fire, rescue, or emergency medical services department, company, squad, or auxiliary; (2) any law enforcement officer; or (3) the State Fire Marshal or a sworn member of the Fire Marshal’s office.

Fiscal Summary

State Effect: None. The bill pertains exclusively to private sector activities.

Local Effect: The criminal penalty provisions of this bill are not expected to significantly affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law: A hospital must test a patient for HIV if a health care provider or first responder has potentially been exposed to HIV. A hospital is required to order an HIV test if: (1) informed or substitute consent of the patient was sought and the patient was unavailable or unable to consent; (2) the “exposed” health care provider promptly notified the hospital of the incident or the first responder has promptly notified the jurisdiction’s medical director and the medical director has promptly notified the hospital where the patient is admitted; (3) the health care provider or first responder gave informed consent and submitted a blood sample; and (4) the hospital determined that

testing the patient for HIV would be helpful in managing the provider's or responder's risk of disease and health outcome.

Additional Information

Prior Introductions: None.

Cross File: HB 370 (Delegate Marriott, *et al.*) (By Request – Baltimore City Administration) – Health and Government Operations.

Information Source(s): Wicomico County, Allegany County, Montgomery County, Prince George's County, Talbot County, Department of State Police, Department of Health and Mental Hygiene (Medicaid, Family Health Administration), Baltimore City, Department of Legislative Services

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