

Department of Legislative Services

Maryland General Assembly

2007 Session

FISCAL AND POLICY NOTE

Revised

House Bill 216

(Delegate Morhaim, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

HIV Testing - Exposure - Forensic Scientist

This bill adds a forensic scientist working under the direction of a law enforcement agency to the definition of “public safety worker” under disease prevention provisions relating specifically to Acquired Immune Deficiency Syndrome (AIDS).

Fiscal Summary

State Effect: None. Adding forensic scientists to provisions relating to disease prevention for public safety workers should not measurably affect State finances or operations.

Local Effect: None. Adding forensic scientists to provisions relating to disease prevention for public safety workers should not measurably affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law: Chapter 300 of 2005 added 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.

Chapter 330 of 2005 requires a hospital to order an HIV test if there has been an exposure between a patient and public safety worker before the patient is admitted to a hospital. The Act further requires a hospital to order an HIV test after the exposure of a health care provider, first responder, or public safety worker if: (1) informed or substitute consent of the patient to test a blood sample already obtained from the patient was sought and the patient refused; and (2) the patient has been informed that the hospital has the authority to test the sample without the patient's consent. Hospitals must attempt to directly notify a patient of the results of the HIV test.

Background: HIV, the virus that causes AIDS, progressively destroys the body's ability to fight infections and certain cancers. The National Institute of Allergy and Infectious Diseases reports that it is rare for a health care provider to give a patient, or a patient to give a provider, HIV by accidentally sticking him or her with a contaminated needle or other medical instrument.

Forensic scientists who work for a law enforcement agency process the crime scenes and examine evidence, including the collection and examination of blood and other body fluids. If a law enforcement officer and a forensic scientist have a possible HIV exposure, only the police officer is covered under current disease prevention provisions. This bill would extend the same protection to forensic scientists as police officers now have to have the individual tested for HIV.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County, Department of Public Safety and Correctional Services, Department of Legislative Services

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Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510