

**Department of Legislative Services**  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**

**Revised**

Senate Bill 77

(Chair, Education, Health, and Environmental Affairs  
Committee)(By Request - Departmental - Public Safety  
and Correctional Services) and Senator Harrington

Education, Health, and Environmental Affairs

Health and Government Operations

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**Health General - Disease Prevention and Testing - Inmates of Correctional  
Institutions**

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This departmental bill expands the definition of “health care provider” under provisions pertaining to disease prevention in State or local correctional facilities. Specifically, the bill includes a correctional employee’s private physician as a health care provider who may test for HIV when there has been “exposure” between a correctional employee and an inmate. In addition, the bill authorizes required HIV testing of inmates to be done by buccal (cheek) swab, in addition to being done via blood testing.

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**Fiscal Summary**

**State Effect:** None. The bill does not directly affect State operations or finances.

**Local Effect:** None.

**Small Business Effect:** The Department of Public Safety and Correctional Services (DPSCS) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

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**Analysis**

**Current Law:** Health care provider means any person, including a physician or hospital, who is licensed or otherwise authorized in Maryland to provide health care services and is under contract with or operated by a correctional facility in the State. An inmate must

furnish a blood sample to a correctional institution to be tested for the presence of HIV when: (1) there has been an exposure involving the inmate; (2) the exposure occurred in connection with the inmate's violation of institutional regulations; (3) the inmate has been found guilty of the violation; (4) the correctional employee involved in the exposure has given written notice of the exposure to the facility's managing official or designee; and (5) the exposure is confirmed by the health care provider.

**Background:** DPSCS advises that the bill: (1) expands the opportunity for HIV testing of correctional employees by having the testing performed by the employee's private physician when that employee has been exposed to HIV; and (2) allows for an additional, less invasive method of HIV testing of inmates, detainees, and offenders.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - January 18, 2010  
mam/hlb Revised - Senate Third Reader - March 25, 2010

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## ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Health General – Disease Prevention and Testing – Inmates of Correctional Institutions

BILL NUMBER: SB 77

PREPARED BY: Department of Public Safety and Correctional Services

### PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

### PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.