

HB0978/726282/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 978

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Morhaim” and substitute “Morhaim, McMillan, Oaks, Pena-Melnyk, Miele, Kelly, McDonough, Bromwell, Morgan, Angel, Hammen, Kipke, Cullison, Sample-Hughes, Barron, Reznik, West, Rose, and K. Young”; in line 4, after “testing;” insert “requiring consent for HIV testing to be included in a certain general informed consent for medical care in a certain category of tests; providing, subject to a certain exception, that a health care provider may not be required to obtain certain consent using a separate consent form;”; in line 5, strike “and certain language assistance”; and in line 8, after “treatment;” insert “requiring a certain health care provider who obtains certain results from an HIV test to take certain actions; making certain stylistic changes;”.

AMENDMENT NO. 2

On page 2, in line 17, after “history.” insert a closing bracket; strike in their entirety lines 18 through 27, inclusive; in lines 28 and 31, strike “**(II)**” and “**(III)**”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in line 28, strike “**ORALLY**” and substitute “VERBALLY”; in line 31, strike “**ORAL**” and substitute “VERBAL”; and in line 32, after “**INFORMATION**” insert “OR SHOW A VIDEO”.

On page 3, in lines 1 and 3, strike “**(IV)**” and “**(V)**”, respectively, and substitute “**(III)**” and “**(IV)**”, respectively; after line 4, insert:

“(2) (I) CONSENT FOR HIV TESTING SHALL BE INCLUDED IN A PATIENT’S GENERAL INFORMED CONSENT FOR MEDICAL CARE IN THE SAME CATEGORY AS OTHER SCREENING AND DIAGNOSTIC TESTS.”

(Over)

(II) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A HEALTH CARE PROVIDER MAY NOT BE REQUIRED TO OBTAIN CONSENT FOR HIV TESTING USING A SEPARATE CONSENT FORM.”;

in line 5, strike “(2)” and substitute “(3)”; strike beginning with the colon in line 5 down through “MAKE” in line 6 and substitute “MAKE”; strike beginning with “WITHIN” in line 8 down through “PROVIDER” in line 9 and substitute “OF THE HEALTH CARE PROVIDER”; strike beginning with “; AND” in line 9 down through “STAFF” in line 12; after line 12, insert:

“(d) (C) (1) If the HIV test is ordered at a location that is not a health care facility, informed consent shall be in writing and signed by the individual on an informed consent for HIV testing document that is approved by the Department.

(2) The informed consent for HIV testing document shall be distinct and separate from all other consent forms.

(3) A patient identifying number obtained from an anonymous and confidential test site which is approved by the Department may be evidence of a patient’s informed consent in lieu of a patient’s signature.”;

in lines 13, 16, and 18, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”, respectively; in lines 14 and 19, in each instance, strike “antibody”; and in line 18, strike “physician or physician’s designee” and substitute “HEALTH CARE PROVIDER”.

On page 4, in line 1, strike “(F)” and substitute “(G)”; and in line 5, strike “October” and substitute “July”.