

#### **141A.6 AIDS-related conditions screening, testing, and reporting.**

1. Prior to obtaining a sample for the purpose of performing a voluntary HIV-related test, a health care provider shall inform the subject of the test that the test is voluntary. Within seven days of the receipt of a test result indicating HIV infection which has been confirmed as positive according to prevailing medical technology, the physician or other health care provider at whose request the test was performed shall make a report to the department on a form provided by the department.
2. Within seven days of diagnosing a person as having an AIDS-related condition, the diagnosing physician shall make a report to the department on a form provided by the department.
3. Within seven days of the death of a person resulting from an AIDS-related condition, the attending physician shall make a report to the department on a form provided by the department.
4. Within seven days of the receipt of a test result indicating HIV infection which has been confirmed as positive according to prevailing medical technology, the director of a blood bank shall make a report to the department on a form provided by the department.
5. Within seven days of the receipt of a test result indicating HIV infection which has been confirmed as positive according to prevailing medical technology, the director of a clinical laboratory shall make a report to the department on a form provided by the department.
6. The forms provided by the department shall require inclusion of all of the following information:
  - a. The name of the patient.
  - b. The address of the patient.
  - c. The patient's date of birth.
  - d. The gender of the patient.
  - e. The race and ethnicity of the patient.
  - f. The patient's marital status.
  - g. The patient's telephone number.
  - h. The name and address of the laboratory or blood bank.
  - i. The date the test was found to be positive and the collection date.
  - j. The name of the physician or health care provider who performed the test.
  - k. If the patient is female, whether the patient is pregnant.
7. An individual who repeatedly fails to file the report required under this section is subject to a report being made to the licensing board governing the professional activities of the individual. The department shall notify the individual each time the department determines that the individual has failed to file a required report. The department shall inform the individual in the notification that the individual may provide information to the department to explain or dispute the failure to report.
8. A public, private, or hospital clinical laboratory that repeatedly fails to make the report required under this

section is subject to a civil penalty of not more than one thousand dollars per occurrence. The department shall not impose the penalty under this subsection without prior written notice and opportunity for hearing.

99 Acts, ch 181, §10; 2000 Acts, ch 1066, §39; 2000 Acts, ch 1140, §26