

CHAPTER 143**EMERGENCY CARE PROVIDERS — EXPOSURE TO DISEASE***H.F. 655*

AN ACT relating to emergency care providers who are exposed to contagious or infectious diseases, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 139B.1 EMERGENCY CARE PROVIDER NOTIFICATION.

1. For purposes of this chapter, unless the context otherwise requires:

a. "Contagious or infectious disease" means hepatitis in any form, meningococcal disease, tuberculosis, and any other disease with the exception of AIDS or HIV infection as defined in section 141.21, determined to be life-threatening to a person exposed to the disease as established by rules adopted by the department based upon a determination by the state epidemiologist and in accordance with guidelines of the centers for disease control of the United States department of health and human services.

b. "Department" means the Iowa department of public health.

c. "Designated officer" means a person who is designated by a department, agency, division, or service organization to act as an infection control liaison officer.

d. "Emergency care provider" means a person who is trained and authorized by federal or state law to provide emergency medical assistance or treatment, for compensation or in a voluntary capacity, including but not limited to, all of the following:

(1) A basic emergency care provider as defined in section 147.1.

(2) An advanced emergency medical care provider as defined in section 147A.1.

(3) A health care provider as defined in this section.

(4) A fire fighter.

(5) A peace officer.

"Emergency care provider" also includes a person who renders direct emergency aid without compensation.

e. "Exposure" means the risk of contracting disease.

f. "Health care provider" means a person licensed or certified under chapter 148, 148C, 150, 150A, 152, or 153 to provide professional health care service to a person during the person's medical care, treatment, or confinement.

2. a. A hospital licensed under chapter 135B shall have written policies and procedures for notification of an emergency care provider who renders assistance or treatment to an individual when in the course of admission, care, or treatment of the individual the individual is diagnosed or is confirmed as having a contagious or infectious disease.

b. If an individual is diagnosed or confirmed as having a contagious or infectious disease, the hospital shall notify the designated officer of an emergency care provider service who shall notify persons involved in attending or transporting the individual. For blood borne contagious or infectious diseases, notification shall only take place upon filing of an exposure report form with the hospital. The exposure report form may be incorporated into the Iowa prehospital care report, the Iowa prehospital advanced care report, or a similar report used by an ambulance, rescue, or first responder service or law enforcement agency.

c. A person who renders direct emergency aid without compensation and is exposed to an individual who has a contagious or infectious disease shall also receive notification from the hospital upon the filing with the hospital of an exposure report form developed by the department.

d. The notification shall advise the emergency care provider of possible exposure to a particular contagious or infectious disease and recommend that the provider seek medical attention. The notification shall be provided as soon as is reasonably possible following determination that the individual has a contagious or infectious disease.

e. This subsection does not require a hospital to administer a test for the express purpose of determining the presence of a contagious or infectious disease. The notification shall not include the name of the individual with the contagious or infectious disease unless the individual consents.

f. The department shall adopt rules pursuant to chapter 17A to implement this subsection.

3. A health care provider may provide the notification required of hospitals in this section to emergency care providers if an individual who has a contagious or infectious disease is delivered by an emergency care provider to the office or clinic of a health care provider for treatment. The notification shall not include the name of the individual who has the contagious or infectious disease unless the individual consents.

4. This section does not preclude a hospital from providing notification to an emergency care provider or health care provider under circumstances in which the hospital's policy provides for notification of the hospital's own employees of exposure to a contagious or infectious disease that is not life-threatening if the report does not reveal a patient's name unless the patient consents.

5. A hospital or health care provider or other person participating in good faith in making a report under the notification provisions of this section or in notifying its own employees under procedures consistent with this section or in failing to make a report under this section is immune from liability, civil or criminal, which may otherwise be incurred or imposed.

6. A hospital's or health care provider's duty of notification under this section is not continuing but is limited to a diagnosis of a contagious or infectious disease made in the course of admission, care, and treatment following the rendering of emergency assistance or treatment to which notification under this section applies.

Sec. 2. Section 141.22A, Code 1991, is amended by striking the section and inserting in lieu thereof the following:

141.22A EMERGENCY CARE PROVIDER NOTIFICATION.

1. For the purposes of this section, unless the context otherwise requires:

a. "Emergency care provider" means a person who is trained and authorized by federal or state law to provide emergency medical assistance or treatment, for compensation or in a voluntary capacity, including but not limited to all of the following:

(1) A basic emergency medical care provider as defined in section 147.1.

(2) An advanced emergency medical care provider as defined in section 147A.1.

(3) A health care provider as defined in this section.

(4) A fire fighter.

(5) A peace officer.

"Emergency care provider" also includes a person who renders emergency aid without compensation.

b. "Health care provider" means a person licensed or certified under chapter 148, 148C, 150, 150A, 152, or 153 to provide professional health care service to a person during the person's medical care, treatment, or confinement.

c. "HIV infection" means HIV infection or AIDS as defined in section 141.21.

d. "Infectious bodily fluids" means bodily fluids capable of transmitting HIV infection as determined by the centers for disease control of the United States department of health and human services and adopted by rule of the department.

e. "Significant exposure" means the risk of contracting HIV infection by means of exposure to a person's infectious bodily fluids in a manner capable of transmitting HIV infection as determined by the centers for disease control of the United States department of health and human services and adopted by rule of the department.

2. A hospital licensed under chapter 135B shall provide notification to an emergency care provider who renders assistance or treatment to an individual, following submission of a significant exposure report by the emergency care provider to the hospital and a diagnosis or confirmation by the attending physician that the individual has HIV infection, and determination that the exposure reported was a significant exposure as defined pursuant to this section. The notification shall advise the emergency care provider of possible exposure to HIV infection. Notification shall be made in accordance with both of the following:

a. The hospital informs the individual when the individual's condition permits, of the submission of a significant exposure report.

b. The individual consents to serological testing by or voluntarily discloses the individual's HIV status to the hospital and consents to the provision of notification.

Notwithstanding paragraphs "a" and "b" notification shall be made when the individual denies consent for or consent is not reasonably obtainable for serological testing, and in the course of admission, care, and treatment of the individual, the individual is diagnosed or is confirmed as having HIV infection.

3. The hospital shall notify the designated officer of the emergency care provider service who in turn shall notify any of the persons involved in attending or transporting the individual who submitted a significant exposure report. The identity of the designated officer shall not be revealed to the individual. The designated officer shall inform the hospital of those parties who received the notification, and following receipt of this information and upon request of the individual, the hospital shall inform the individual of the parties to whom notification was provided.

4. A person who renders direct emergency aid without compensation who is exposed to an individual who has HIV infection shall receive notification directly from the hospital in accordance with the procedures established pursuant to subsection 2. The hospital, upon request of the individual, shall inform the individual of the persons to whom notification was made.

5. The process for notification under this section shall be initiated as soon as is reasonably possible consistent with the centers for disease control of the United States department of health and human services protocols for HIV prophylaxis.

6. The designated officer shall advise the person notified to seek immediate medical attention and shall advise the person of the provisions of confidentiality under this section. The department shall adopt rules to implement this subsection.

7. A health care provider, with consent of the individual, may provide the notification required of hospitals in this section to emergency care providers if an individual who has HIV infection is delivered by an emergency care provider to the office or clinic of the health care provider for treatment. The notification shall take place only upon submission of a significant exposure report form by the emergency care provider to the health care provider and the determination by the health care provider that a significant exposure has occurred.

8. This section does not require or permit a hospital or health care provider to administer a test for the express purpose of determining the presence of HIV infection except that testing may be performed if the individual consents and if the requirements of section 141.22 are satisfied.

9. A hospital or health care provider or other person participating in good faith in making a report under the notification provisions of this section, under procedures similar to this section for notification of its own employees upon filing of a significant exposure report, or in failing to make a report under this section is immune from any liability, civil or criminal, which might otherwise be incurred or imposed.

10. Notifications made pursuant to this section shall not disclose the identity of the individual who is diagnosed or confirmed as having HIV infection unless the individual provides a specific written release as provided in section 141.23, subsection 1, paragraph "a".

11. If notification is made under this section, and discloses the identity of the individual who is diagnosed or confirmed as having HIV infection, or otherwise allows the emergency care provider to determine the identity of the individual, the identity of the individual shall be confidential information and shall not be disclosed by the emergency care provider to any other person unless a specific written release is obtained from the individual.

12. An emergency care provider who intentionally or recklessly makes an unauthorized disclosure under this section, is subject to a civil penalty of one thousand dollars. The attorney general or the attorney general's designee may maintain a civil action to enforce this section. Proceedings maintained under this section shall provide for the anonymity of the individual and all documentation shall be maintained in a confidential manner.

13. A hospital's duty to notify under this section is not continuing but is limited to the diagnosis of HIV infection made in the course of admission, care, and treatment following the rendering of emergency assistance or treatment of the individual with the disease.

14. Notwithstanding subsection 13, if, following discharge or completion of care or treatment, an individual, for whom a significant exposure report was submitted but which report did not result in notification, wishes to provide information regarding the individual's HIV infection status to the emergency care provider who submitted the report, the hospital shall provide a procedure for notifying the emergency care provider.

15. The employer of an emergency care provider who submits a significant exposure report under this section shall pay the costs of HIV testing and counseling for the individual and the emergency care provider. However, the department shall pay the costs of HIV testing and counseling for an emergency care provider who is a person who renders direct emergency aid without compensation.

16. A significant exposure report is a confidential record and the remedies under section 141.24 are applicable to such records.

17. The department shall adopt rules pursuant to chapter 17A to implement this section.

Approved May 9, 1991

CHAPTER 144

WAGERING ON EXCURSION GAMBLING BOATS — MINIMUM AGE

S.F. 110

AN ACT relating to wagers by certain persons under the age of eighteen years on excursion gambling boats, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 99F.9, subsection 6, Code 1991, is amended to read as follows:

6. A person under the age of ~~twenty-one~~ eighteen years shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted.

Sec. 2. Section 99F.15, subsection 2, Code 1991, is amended to read as follows:

2. A person knowingly permitting a person under the age of ~~twenty-one~~ eighteen years to make a wager is guilty of a simple misdemeanor.

Sec. 3. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 9, 1991