

House File 610 - Enrolled

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HOUSE FILE 610

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1 3 AN ACT
1 4 RELATING TO ACQUIRED IMMUNE DEFICIENCY SYNDROME AND THE HUMAN
1 5 IMMUNODEFICIENCY VIRUS.
1 6
1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 8
1 9 Section 1. Section 141A.1, subsections 2, 8, and 11, Code
1 10 2007, are amended to read as follows:
1 11 2. "AIDS-related conditions" means ~~the human~~
1 12 ~~immunodeficiency virus, or any other condition resulting from~~
1 13 ~~the human immunodeficiency virus infection that meets the~~
1 14 ~~definition of AIDS as established by the centers for disease~~
1 15 ~~control and prevention of the United States department of~~
1 16 ~~health and human services.~~
1 17 8. "Health care provider" means a person licensed ~~or~~
1 18 ~~certified under chapter 148, 148C, 150, 150A, 152, or 153 to~~
1 19 ~~provide professional health care service to a person during~~
1 20 ~~the person's medical care, treatment, or confinement to~~
1 21 ~~practice medicine and surgery, osteopathic medicine and~~
1 22 ~~surgery, osteopathy, chiropractic, podiatry, nursing,~~
1 23 ~~dentistry, or optometry, or as a physician assistant, dental~~
1 24 ~~hygienist, or acupuncturist.~~
1 25 11. "HIV-related test" means a diagnostic test conducted
1 26 by a laboratory approved pursuant to the federal Clinical
1 27 Laboratory ~~Improvements Act~~ Improvement Amendments for
1 28 determining the presence of HIV ~~or antibodies to HIV.~~
1 29 Sec. 2. Section 141A.1, Code 2007, is amended by adding
1 30 the following new subsection:
1 31 NEW SUBSECTION. 10A. "HIV-related condition" means any
1 32 condition resulting from the human immunodeficiency virus
1 33 infection.
1 34 Sec. 3. Section 141A.2, subsections 1, 4, and 6, Code
1 35 2007, are amended to read as follows:
2 1 1. The department is designated as the lead agency in the
2 2 coordination and implementation of the state Iowa
2 3 ~~comprehensive AIDS-related conditions prevention and~~
2 4 ~~intervention HIV plan.~~
2 5 4. The department, ~~in cooperation with the department of~~
2 6 ~~public safety, and persons who represent those who attend dead~~
2 7 ~~bodies shall establish for provide consultation services to~~
2 8 all care providers, including paramedics, ambulance personnel,
2 9 physicians, nurses, hospital personnel, first responders,
2 10 peace officers, and fire fighters, who provide care services
2 11 to a person, and ~~for to~~ all persons who attend dead bodies,
2 12 ~~protocol and procedures for the use of universal precautions~~
2 13 ~~regarding standard precautions to prevent the transmission of~~
2 14 ~~contagious and infectious diseases.~~
2 15 6. The department, with the approval of the state board of
2 16 health, may conduct epidemiological blinded and nonblinded
2 17 studies to determine the incidence and prevalence of ~~the~~ HIV
2 18 infection. Initiation of any new epidemiological studies
2 19 shall be contingent upon the receipt of funding sufficient to
2 20 cover all the costs associated with the studies. The informed
2 21 consent, reporting, and counseling requirements of this
2 22 chapter shall not apply to blinded studies.
2 23 Sec. 4. Section 141A.3, Code 2007, is amended to read as
2 24 follows:
2 25 141A.3 DUTIES OF THE DEPARTMENT.
2 26 1. All federal and state moneys appropriated to the
2 27 department for ~~AIDS-related HIV-related~~ activities shall be
2 28 ~~allocated in accordance with a prioritized schedule developed~~
2 29 ~~by rule of the department, and grants shall be awarded to the~~
2 30 ~~maximum extent feasible to community-based organizations~~
2 31 ~~utilized and distributed in a manner consistent with the~~
2 32 ~~guidelines established by the United States department of~~
2 33 ~~health and human services.~~
2 34 2. The department shall do all of the following:
2 35 a. Provide consultation services to agencies and
3 1 organizations regarding appropriate policies for testing,
3 2 education, confidentiality, and infection control.
3 3 b. ~~Conduct~~ Provide health information ~~programs for to~~ the

3 4 public relating to regarding HIV infection, including
3 5 information about how the infection is transmitted and how
3 6 transmittal can be prevented. The department shall prepare
~~3 7 for free distribution, printed and distribute~~ information
3 8 ~~relating to regarding~~ HIV infection and prevention.

3 9 c. Provide ~~educational programs~~ consultation services
3 10 concerning HIV infection in the workplace.
3 11 d. ~~Develop and implement~~ Implement HIV education
3 12 risk-reduction programs for specific populations at high risk
3 13 for infection.

3 14 e. Provide an informational brochure for patients who
3 15 provide samples for purposes of performing an HIV test which,
3 16 at a minimum, shall include a summary of the patient's rights
3 17 and responsibilities under the law.

3 18 f. In cooperation with the department of education,
3 19 ~~develop and update a medically correct AIDS recommend~~
3 20 evidence-based, medically accurate HIV prevention curriculum
3 21 curricula for use at the discretion of secondary and middle
3 22 schools.

3 23 ~~3. The department shall, in cooperation with the~~
~~3 24 department of education and other agencies, organizations,~~
~~3 25 coalitions, and local health departments, develop and~~
~~3 26 implement a program of public and professional AIDS-related~~
~~3 27 education.~~

3 28 Sec. 5. Section 141A.4, Code 2007, is amended to read as
3 29 follows:
3 30 141A.4 TESTING AND ~~COUNSELING~~ EDUCATION.

3 31 1. HIV testing and counseling education shall be offered
3 32 to persons who are at risk for HIV infection including all of
3 33 the following:
3 34 a. All persons ~~seeking treatment~~ testing positive for a
3 35 sexually transmitted disease.

4 1 b. All persons ~~seeking treatment for injecting drug abuse~~
~~4 2 or having a history of injecting drug abuse.~~

4 3 ~~c. All persons who consider themselves at risk for the HIV~~
~~4 4 infection.~~

4 5 ~~d. c. Male and female prostitutes sex workers and those~~
~~4 6 who trade sex for drugs, money, or favors.~~

4 7 d. Sexual partners of HIV-infected persons.

4 8 e. Persons whose sexual partners are identified in
4 9 paragraphs "a" through "d".

4 10 2. a. Pregnant women shall be provided information All
4 11 pregnant women shall be tested for HIV infection as part of
4 12 the routine panel of prenatal tests.

4 13 b. A pregnant woman shall be notified that HIV screening
4 14 is recommended for all prenatal patients and that the pregnant
4 15 woman will receive an HIV test as part of the routine panel of
4 16 prenatal tests unless the pregnant woman objects to the test.

4 17 c. If a pregnant woman objects to and declines the test,
4 18 the decision shall be documented in the pregnant woman's
4 19 medical record.

4 20 d. Information about HIV prevention, risk reduction, and
4 21 treatment opportunities to reduce the possible transmission of
4 22 HIV to a fetus shall be made available to all pregnant women.
4 23 Pregnant women who report one or more recognized risk factors
4 24 for HIV shall be strongly encouraged to undergo HIV-related
4 25 testing. A pregnant woman who requests testing shall be
4 26 tested regardless of the absence of risk factors.

4 27 Sec. 6. Section 141A.5, Code 2007, is amended to read as
4 28 follows:
4 29 141A.5 PARTNER NOTIFICATION PROGRAM == HIV.

4 30 1. The department shall maintain a partner notification
4 31 program for persons known to have tested positive for ~~the~~ HIV
4 32 infection.

4 33 ~~2. The department shall initiate the program at~~
~~4 34 alternative testing and counseling sites and at sexually~~
~~4 35 transmitted disease clinics.~~

5 1 ~~3- 2.~~ In administering the program, the department shall
5 2 provide for the following:
5 3 a. A person who tests positive for ~~the~~ HIV infection shall
5 4 receive posttest counseling, during which time the person
5 5 shall be encouraged to refer for counseling and HIV testing
5 6 any person with whom the person has had sexual relations or
5 7 has shared drug injecting equipment.

5 8 b. The physician or other health care provider attending
5 9 the person may provide to the department any relevant
5 10 information provided by the person regarding any person with
5 11 whom the tested person has had sexual relations or has shared
5 12 drug injecting equipment. ~~The department disease prevention~~
~~5 13 staff shall then conduct partner notification in the same~~
~~5 14 manner as that utilized for sexually transmitted diseases~~

~~5 15 consistent with the provisions of this chapter.~~

5 16 c. Devise a procedure, as a part of the partner
5 17 notification program, to provide for the notification of an
5 18 identifiable third party who is a sexual partner of or who
5 19 shares drug injecting equipment with a person who has tested
5 20 positive for HIV, by the department or a physician, when all
5 21 of the following situations exist:

5 22 (1) A physician for the infected person is of the good
5 23 faith opinion that the nature of the continuing contact poses
5 24 an imminent danger of HIV infection transmission to the third
5 25 party.

5 26 (2) When the physician believes in good faith that the
5 27 infected person, despite strong encouragement, has not and
5 28 will not warn the third party and will not participate in the
5 29 voluntary partner notification program.

5 30 Notwithstanding subsection 4 3, the department or a
5 31 physician may reveal the identity of a person who has tested
5 32 positive for ~~the~~ HIV infection pursuant to this subsection
5 33 only to the extent necessary to protect a third party from the
5 34 direct threat of transmission. This subsection shall not be
5 35 interpreted to create a duty to warn third parties of the
6 1 danger of exposure to HIV through contact with a person who
6 2 tests positive for ~~the~~ HIV infection.

6 3 The department shall adopt rules pursuant to chapter 17A to
6 4 implement this paragraph "c". The rules shall provide a
6 5 detailed procedure by which the department or a physician may
6 6 directly notify an endangered third party.

6 7 ~~4- 3.~~ In making contact the department shall not disclose
6 8 the identity of the person who provided the names of the
6 9 persons to be contacted and shall protect the confidentiality
6 10 of persons contacted.

6 11 ~~5- 4.~~ The department may delegate its partner notification
6 12 duties under this section to local health authorities unless
6 13 the local authority refuses or neglects to conduct the ~~contact~~
6 14 ~~tracing partner notification~~ program in a manner deemed to be
6 15 effective by the department.

6 16 ~~6- 5.~~ In addition to the provisions for partner
6 17 notification provided under this section and notwithstanding
6 18 any provision to the contrary, a county medical examiner or
6 19 deputy medical examiner performing official duties pursuant to
6 20 sections 331.801 through 331.805 or the state medical examiner
6 21 or deputy medical examiner performing official duties pursuant
6 22 to chapter 691, who determines through an investigation that a
6 23 deceased person was infected with HIV, may notify directly, or
6 24 request that the department notify, the immediate family of
6 25 the deceased or any person known to have had a significant
6 26 exposure from the deceased of the finding.

6 27 Sec. 7. Section 141A.6, Code 2007, is amended to read as
6 28 follows:

6 29 141A.6 ~~AIDS-RELATED~~ HIV=RELATED CONDITIONS == SCREENING
6 30 CONSENT, TESTING, AND REPORTING == PENALTY.

6 31 1. Prior to ~~obtaining a sample for the purpose of~~
6 32 ~~performing a voluntary undergoing an HIV-related test, a~~
6 33 ~~health care provider shall inform the subject of the test that~~
6 34 ~~the test is voluntary information shall be available to the~~
6 35 ~~subject of the test concerning testing and any means of~~
7 1 ~~obtaining additional information regarding HIV infection and~~
7 2 ~~risk reduction. If an individual signs a general consent form~~
7 3 ~~for the performance of medical tests or procedures, the~~
7 4 ~~signing of an additional consent form for the specific purpose~~
7 5 ~~of consenting to an HIV-related test is not required during~~
7 6 ~~the time in which the general consent form is in effect. If~~
7 7 ~~an individual has not signed a general consent form for the~~
7 8 ~~performance of medical tests and procedures or the consent~~
7 9 ~~form is no longer in effect, a health care provider shall~~
7 10 ~~obtain oral or written consent prior to performing an~~
7 11 ~~HIV-related test. If an individual is unable to provide~~
7 12 ~~consent, the individual's legal guardian may provide consent.~~
7 13 ~~If the individual's legal guardian cannot be located or is~~
7 14 ~~unavailable, a health care provider may authorize the test~~
7 15 ~~when the test results are necessary for diagnostic purposes to~~
7 16 ~~provide appropriate urgent medical care.~~

7 17 2. Within seven days of the receipt of a test result
7 18 indicating HIV infection which has been confirmed as positive
7 19 according to prevailing medical technology ~~or immediately~~
7 20 ~~after the initial examination or treatment of an individual~~
7 21 ~~infected with HIV, the physician or other health care provider~~
7 22 ~~at whose request the test was performed or who performed the~~
7 23 ~~initial examination or treatment shall make a report to the~~
7 24 ~~department on a form provided by the department.~~

7 25 ~~2- 3.~~ Within seven days of diagnosing a person as having

7 26 AIDS or an AIDS-related condition, the diagnosing physician
7 27 shall make a report to the department on a form provided by
7 28 the department.
7 29 ~~3- 4.~~ Within seven days of the death of a person ~~resulting~~
~~7 30 from an AIDS-related condition with HIV infection,~~ the
7 31 attending physician shall make a report to the department on a
7 32 form provided by the department.
7 33 ~~4- 5.~~ Within seven days of the receipt of a test result
7 34 indicating HIV infection which has been confirmed as positive
7 35 according to prevailing medical technology, the director of a
8 1 blood bank shall make a report to the department on a form
8 2 provided by the department.
8 3 ~~5- 6.~~ Within seven days of the receipt of a test result
8 4 ~~indicating HIV infection which has been confirmed as positive~~
~~8 5 according to prevailing medical technology that is indicative~~
~~8 6 of HIV,~~ the director of a clinical laboratory shall make a
8 7 report to the department on a form provided by the department.
8 8 ~~6- 7.~~ The forms provided by the department shall require
8 9 inclusion of all of the following information:
8 10 a. The name of the patient.
8 11 b. The address of the patient.
8 12 c. The patient's date of birth.
8 13 d. The gender of the patient.
8 14 e. The race and ethnicity of the patient.
8 15 f. The patient's marital status.
8 16 g. The patient's telephone number.
8 17 h. ~~The~~ If an HIV-related test was performed, the name and
8 18 address of the laboratory or blood bank.
8 19 i. ~~The~~ If an HIV-related test was performed, the date the
8 20 test was found to be positive and the collection date.
8 21 j. ~~The~~ If an HIV-related test was performed, the name of
8 22 the physician or health care provider who performed the test.
8 23 k. If the patient is female, whether the patient is
8 24 pregnant.
8 25 ~~7- 8.~~ An individual who repeatedly fails to file the
8 26 report required under this section is subject to a report
8 27 being made to the licensing board governing the professional
8 28 activities of the individual. The department shall notify the
8 29 individual each time the department determines that the
8 30 individual has failed to file a required report. The
8 31 department shall inform the individual in the notification
8 32 that the individual may provide information to the department
8 33 to explain or dispute the failure to report.
8 34 ~~8- 9.~~ A public, private, or hospital clinical laboratory
8 35 that repeatedly fails to make the report required under this
9 1 section is subject to a civil penalty of not more than one
9 2 thousand dollars per occurrence. The department shall not
9 3 impose the penalty under this subsection without prior written
9 4 notice and opportunity for hearing.
9 5 Sec. 8. Section 141A.7, subsections 1 and 2, Code 2007,
9 6 are amended to read as follows:
9 7 1. ~~Prior to undergoing an HIV-related test, information~~
~~9 8 shall be available to the subject of the test concerning~~
~~9 9 testing and any means of obtaining additional information~~
~~9 10 regarding HIV infection and risk reduction.~~ At any time that
9 11 the subject of an HIV-related test is informed of confirmed
9 12 positive test results, counseling concerning the emotional and
9 13 physical health effects shall be initiated. Particular
9 14 attention shall be given to explaining the need for the
9 15 precautions necessary to avoid transmitting the virus. The
9 16 subject shall be given information concerning additional
9 17 counseling. If the legal guardian of the subject of the test
9 18 provides consent to the test pursuant to section 141A.6, the
9 19 provisions of this subsection shall apply to the legal
9 20 guardian.
9 21 2. Notwithstanding subsection 1, the provisions of this
9 22 section do not apply to any of the following:
9 23 a. The performance by a health care provider or health
9 24 facility of an HIV-related test when the health care provider
9 25 or health facility procures, processes, distributes, or uses a
9 26 human body part donated for a purpose specified under the
9 27 uniform anatomical gift Act as provided in chapter 142C, or
9 28 semen provided prior to July 1, 1988, for the purpose of
9 29 artificial insemination, or donations of blood, and such test
9 30 is necessary to ensure medical acceptability of such gift or
9 31 semen for the purposes intended.
9 32 b. A person engaged in the business of insurance who is
9 33 subject to section 505.16.
9 34 c. The performance by a health care provider or health
9 35 facility of an HIV-related test when the subject of the test
10 1 is deceased and a documented significant exposure has

10 2 occurred.

10 3 ~~d. The performance by a health care provider or health~~
10 4 ~~facility of an HIV-related test when the subject of the test~~
10 5 ~~is unable to provide consent and the health care provider or~~
10 6 ~~health care facility provides consent for the patient pursuant~~
10 7 ~~to section 141A.6.~~

10 8 Sec. 9. Section 141A.8, Code 2007, is amended to read as
10 9 follows:

10 10 141A.8 CARE PROVIDER NOTIFICATION.

10 11 1. a. Notwithstanding any provision of this chapter to
10 12 the contrary, if a care provider sustains a significant
10 13 exposure from an individual, the individual to whom the care
10 14 provider was exposed is deemed to consent to a test to
10 15 determine the presence of HIV infection in that individual and
10 16 is deemed to consent to notification of the care provider of
10 17 the HIV test results of the individual, upon submission of a
10 18 significant exposure report by the care provider ~~to the~~
10 19 ~~hospital or other person specified in this section to whom the~~
10 20 ~~individual is delivered by the care provider as provided by~~
10 21 ~~rule. The significant exposure report form may be~~
10 22 ~~incorporated into the Iowa prehospital care report, the Iowa~~
10 23 ~~prehospital advanced care report, or a similar report used by~~
10 24 ~~an ambulance, rescue, or first response service or law~~
10 25 ~~enforcement agency.~~

10 26 b. The hospital or clinic in which the exposure occurred
10 27 or any other person specified in this section to whom the
10 28 individual is delivered shall conduct the test. If the
10 29 individual is delivered by the care provider to an institution
10 30 administered by the Iowa department of corrections, the test
10 31 shall be conducted by the staff physician of the institution.
10 32 If the individual is delivered by the care provider to a jail,
10 33 the test shall be conducted by the attending physician of the
10 34 jail or the county medical examiner. The sample and test
10 35 results shall only be identified by a number and no reports
11 1 ~~otherwise required by this chapter shall be made which~~
11 2 ~~otherwise identify the individual tested.~~

11 3 c. A hospital, institutions administered by the department
11 4 of corrections, and jails shall have written policies and
11 5 procedures for notification of a care provider under this
11 6 section. The policies and procedures shall include
11 7 designation of a representative of the care provider to whom
11 8 notification shall be provided and who shall, in turn, notify
11 9 the care provider. The identity of the designated
11 10 representative of the care provider shall not be revealed to
11 11 the individual tested. The designated representative shall
11 12 inform the hospital, institution administered by the
11 13 department of corrections, or jail of those parties who
11 14 received the notification, and following receipt of this
11 15 information and upon request of the individual tested, the
11 16 hospital, institution administered by the department of
11 17 corrections, or jail shall inform the individual of the
11 18 parties to whom notification was provided.

11 19 2. a. If the test results are positive, the hospital or
11 20 other person performing the test shall notify the subject of
11 21 the test and ensure the performance of counseling and
11 22 reporting requirements of this chapter in the same manner as
11 23 for an individual from whom actual consent was obtained. The
11 24 report to the department required pursuant to section 141A.6
11 25 shall include the name of the individual tested.

11 26 b. If the HIV test results of the subject of the test are
11 27 positive, the hospital or other person performing the test
11 28 shall notify the care provider or the designated
11 29 representative of the care provider who shall then notify the
11 30 care provider who sustained the exposure.

11 31 c. The notification shall be provided as soon as is
11 32 reasonably possible following determination that the HIV test
11 33 results of the subject of the test are positive. The
11 34 notification shall not include the name of the individual
11 35 tested for HIV infection unless the individual provides a
12 1 specific written release. If the care provider who sustained
12 2 the significant exposure determines the identity of the
12 3 individual tested, the identity of the individual shall be
12 4 confidential information and shall not be disclosed by the
12 5 care provider to any other person unless a specific written
12 6 release is obtained from the individual tested.

12 7 3. ~~This section does not require or permit, unless~~
12 8 ~~otherwise provided, a hospital, health care provider, or other~~
12 9 ~~person to administer a test for the express purpose of~~
12 10 ~~determining the presence of HIV infection, except that testing~~
12 11 ~~may be performed if the individual consents and if the~~
12 12 ~~requirements of this section are satisfied.~~

12 13 ~~4- 3.~~ This section does not preclude a hospital or health
12 14 care provider from providing notification to a care provider
12 15 under circumstances in which the hospital's or health care
12 16 provider's policy provides for notification of the hospital's
12 17 or health care provider's own employees of exposure to HIV
12 18 infection if the notice does not reveal a patient's name,
12 19 unless the patient consents.

12 20 ~~5- 4.~~ A hospital, health care provider, or other person
12 21 participating in good faith in making a report under the
12 22 notification provisions of this section, under procedures
12 23 similar to this section for notification of its own employees
12 24 upon filing of a significant exposure report, or in failing to
12 25 make a report under this section, is immune from any
12 26 liability, civil or criminal, which might otherwise be
12 27 incurred or imposed.

12 28 ~~6- 5.~~ A hospital's or health care provider's duty to
12 29 notify under this section is not continuing but is limited to
12 30 the diagnosis of HIV infection made in the course of
12 31 admission, care, and treatment following the rendering of
12 32 health care services or other services to the individual with
12 33 the infection to which notification under this section
12 34 applies.

12 35 ~~7- 6.~~ Notwithstanding subsection ~~6 5~~, if, following
13 1 discharge from or completion of care or treatment by a
13 2 hospital, an individual for whom a significant exposure report
13 3 was submitted but which report did not result in notification,
13 4 wishes to provide information regarding the individual's HIV
13 5 infection status to the care provider who submitted the
13 6 report, the hospital shall provide a procedure for notifying
13 7 the care provider.

13 8 ~~8- 7.~~ A hospital, health care provider, or other person
13 9 who is authorized to perform an HIV test under this section,
13 10 who performs the HIV test in compliance with this section or
13 11 who fails to perform an HIV test authorized under this
13 12 section, is immune from any liability, civil or criminal,
13 13 which might otherwise be incurred or imposed.

13 14 ~~9- 8.~~ A hospital, health care provider, or other person
13 15 who is authorized to perform a test under this section has no
13 16 duty to perform the HIV test authorized.

13 17 ~~10- 9.~~ The employer of a care provider who sustained a
13 18 significant exposure under this section shall pay the costs of
13 19 HIV testing for the individual who is the source of the
13 20 significant exposure and of the testing and counseling of the
13 21 care provider, if the significant exposure was sustained
13 22 during the course of employment. However, the department
13 23 shall ~~pay the costs of HIV testing for the~~ assist an
13 24 individual who is the source of the significant exposure ~~and~~
~~13 25 of the testing and counseling of the~~ in finding resources to
~~13 26 pay for the cost of the HIV test, and shall assist a care~~
13 27 provider who renders direct aid without compensation in
13 28 finding resources to pay for the cost of the testing and
13 29 counseling.

13 30 Sec. 10. Section 141A.9, Code 2007, is amended to read as
13 31 follows:

13 32 141A.9 CONFIDENTIALITY OF INFORMATION.

13 33 1. Any information, including reports and records,
13 34 obtained, submitted, and maintained pursuant to this chapter
13 35 is strictly confidential medical information. The information
14 1 shall not be released, shared with an agency or institution,
14 2 or made public upon subpoena, search warrant, discovery
14 3 proceedings, or by any other means except as provided in this
14 4 chapter. A person shall not be compelled to disclose the
14 5 identity of any person upon whom an HIV-related test is
14 6 performed, or the results of the test in a manner which
14 7 permits identification of the subject of the test, except to
14 8 persons entitled to that information under this chapter.

14 9 ~~2. Information HIV-related test results shall be made~~
14 10 available for release to the following individuals or under
14 11 the following circumstances:

14 12 a. To the subject of the test or the subject's legal
14 13 guardian subject to the provisions of section 141A.7,
14 14 subsection 3, when applicable.

14 15 b. To any person who secures a written release of test
14 16 results executed by the subject of the test or the subject's
14 17 legal guardian.

14 18 c. To an authorized agent or employee of a health facility
14 19 or health care provider, if the health facility or health care
14 20 provider ordered or participated in the testing or is
14 21 otherwise authorized to obtain the test results, the agent or
14 22 employee provides patient care or handles or processes
14 23 samples, and the agent or employee has a medical need to know

14 24 such information.

14 25 d. To a health care provider providing care to the subject
14 26 of the test when knowledge of the test results is necessary to
14 27 provide care or treatment.

14 28 e. To the department in accordance with reporting
14 29 requirements for an HIV-related condition.

14 30 f. To a health facility or health care provider which
14 31 procures, processes, distributes, or uses a human body part
14 32 from a deceased person with respect to medical information
14 33 regarding that person, or semen provided prior to July 1,
14 34 1988, for the purpose of artificial insemination.

~~14 35 g. Release may be made of medical or epidemiological
15 1 information for statistical purposes in a manner such that no
15 2 individual person can be identified.~~

~~15 3 h. Release may be made of medical or epidemiological
15 4 information to the extent necessary to enforce the provisions
15 5 of this chapter and related rules concerning the treatment,
15 6 control, and investigation of HIV infection by public health
15 7 officials.~~

~~15 8 i. Release may be made of medical or epidemiological
15 9 information to medical personnel to the extent necessary to
15 10 protect the health or life of the named party.~~

~~15 11 j. Release may be made of test results concerning a
15 12 patient pursuant to procedures established under section
15 13 141A.5, subsection 3, paragraph "c".~~

15 14 ~~k. g.~~ To a person allowed access to a record an
15 15 HIV-related test result by a court order which is issued in
15 16 compliance with the following provisions:

15 17 (1) A court has found that the person seeking the test
15 18 results has demonstrated a compelling need for the test
15 19 results which need cannot be accommodated by other means. In
15 20 assessing compelling need, the court shall weigh the need for
15 21 disclosure against the privacy interest of the test subject
15 22 and the public interest which may be disserved by disclosure
15 23 due to its deterrent effect on future testing or due to its
15 24 effect in leading to discrimination.

15 25 (2) Pleadings pertaining to disclosure of test results
15 26 shall substitute a pseudonym for the true name of the subject
15 27 of the test. The disclosure to the parties of the subject's
15 28 true name shall be communicated confidentially in documents
15 29 not filed with the court.

15 30 (3) Before granting an order, the court shall provide the
15 31 person whose test results are in question with notice and a
15 32 reasonable opportunity to participate in the proceedings if
15 33 the person is not already a party.

15 34 (4) Court proceedings as to disclosure of test results
15 35 shall be conducted in camera unless the subject of the test
16 1 agrees to a hearing in open court or unless the court
16 2 determines that a public hearing is necessary to the public
16 3 interest and the proper administration of justice.

16 4 (5) Upon the issuance of an order to disclose test
16 5 results, the court shall impose appropriate safeguards against
16 6 unauthorized disclosure, which shall specify the persons who
16 7 may gain access to the information, the purposes for which the
16 8 information shall be used, and appropriate prohibitions on
16 9 future disclosure.

16 10 ~~l. h.~~ To an employer, if the test is authorized to be
16 11 required under any other provision of law.

16 12 ~~m. i.~~ To Pursuant to section 915.43, to a convicted or
16 13 alleged sexual assault offender; the physician or other health
16 14 care provider who orders the test of a convicted or alleged
16 15 offender; the victim; the parent, guardian, or custodian of
16 16 the victim if the victim is a minor; the physician of the
16 17 victim; the victim counselor or person requested by the victim
16 18 to provide counseling regarding the HIV-related test and
16 19 results; the victim's spouse; persons with whom the victim has
16 20 engaged in vaginal, anal, or oral intercourse subsequent to
16 21 the sexual assault; members of the victim's family within the
16 22 third degree of consanguinity; and the county attorney who may
16 23 use the results as evidence in the prosecution of sexual
16 24 assault under chapter 915, subchapter IV, or prosecution of
16 25 the offense of criminal transmission of HIV under chapter
16 26 709C. For the purposes of this paragraph, "victim" means
16 27 victim as defined in section 915.40.

16 28 ~~n. j.~~ To employees of state correctional institutions
16 29 subject to the jurisdiction of the department of corrections,
16 30 employees of secure facilities for juveniles subject to the
16 31 department of human services, and employees of city and county
16 32 jails, if the employees have direct supervision over inmates
16 33 of those facilities or institutions in the exercise of the
16 34 duties prescribed pursuant to section 80.9, subsection 2,

16 35 paragraph "d".
17 1 3. Release may be made of medical or epidemiological
17 2 information for statistical purposes in a manner such that no
17 3 individual person can be identified.
17 4 4. Release may be made of medical or epidemiological
17 5 information to the extent necessary to enforce the provisions
17 6 of this chapter and related rules concerning the treatment,
17 7 control, and investigation of HIV infection by public health
17 8 officials.
17 9 5. Release may be made of medical or epidemiological
17 10 information to medical personnel to the extent necessary to
17 11 protect the health or life of the named party.
17 12 6. Release may be made of test results concerning a
17 13 patient pursuant to procedures established under section
17 14 141A.5, subsection 2, paragraph "c".

17 15 ~~2- 7.~~ Medical information secured pursuant to subsection 1
17 16 may be shared between employees of the department who shall
17 17 use the information collected only for the purposes of
17 18 carrying out their official duties in preventing the spread of
17 19 the disease or the spread of other reportable diseases as
17 20 defined in section 139A.2.

17 21 Sec. 11. Section 915.43, subsection 4, Code 2007, is
17 22 amended to read as follows:

17 23 4. Results of a test performed under this subchapter,
17 24 except as provided in subsection 13, shall be disclosed only
17 25 to the physician or other practitioner who orders the test of
17 26 the convicted or alleged offender, the convicted or alleged
17 27 offender, the victim, the victim counselor or person requested
17 28 by the victim to provide counseling regarding the HIV-related
17 29 test and results, the physician of the victim if requested by
17 30 the victim, the parent, guardian, or custodian of the victim,
17 31 if the victim is a minor, and the county attorney who filed
17 32 the petition for HIV-related testing under this chapter, who
17 33 may use the results to file charges of criminal transmission
17 34 of HIV under chapter 709C. Results of a test performed under
17 35 this subchapter shall not be disclosed to any other person
18 1 without the written informed consent of the convicted or
18 2 alleged offender. A person to whom the results of a test have
18 3 been disclosed under this subchapter is subject to the
18 4 confidentiality provisions of section 141A.9, and shall not
18 5 disclose the results to another person except as authorized by
18 6 section 141A.9, subsection ~~4~~ 2, paragraph ~~"m"~~ "i".
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18 10 _____
18 11 PATRICK J. MURPHY
18 12 Speaker of the House

18 13 _____
18 14 JOHN P. KIBBIE
18 15 President of the Senate

18 16
18 17
18 18 I hereby certify that this bill originated in the House and
18 19 is known as House File 610, Eighty-second General Assembly.
18 20
18 21

18 22 _____
18 23 MARK BRANDSGARD
18 24 Chief Clerk of the House

18 25 Approved _____, 2007
18 26
18 27

18 28 _____
18 29 CHESTER J. CULVER
18 30 Governor