

FILED FEB 15 1988

Revised 2/88

SENATE FILE 2157
BY COMMITTEE ON HUMAN RESOURCES
(formerly 55B 2042)

Passed Senate, Date 3/2/88 Passed House, Date 3/29/88 (#1147)
Vote: Ayes 42 Nays 1 Vote: Ayes 93 Nays 0
Approved May 12, 1988

A BILL FOR

1 An Act relating to a comprehensive acquired immune deficiency
2 syndrome (AIDS) prevention and intervention plan.

SENATE FILE 2158

S-5213

1 Amend Senate File 2158 as follows:

2 1. Page 1, by striking lines 6 through 9, and
3 inserting the following: "discharge the duties of the
4 office, and no person shall be appointed who has not
5 had at least five years experience in a bank or in the
6 regulation or examination of banks. A professional or
7 trade association composed of financial institutions,
8 financial institution officers, or financial
9 institution regulators may recommend the names of
10 potential superintendents to the governor. However,
11 the governor is not bound by the recommendations. A
12 superintendent shall not be required to be a member of
13 any professional or trade association."

S-5213

Filed March 3, 1988

BY COMMITTEE ON COMMERCE
WILLIAM PALMER, Chairperson

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TLSB 7747SV 72

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1 Section 1. NEW SECTION. 135H.1 ACQUIRED IMMUNE DE-
2 FICIENCY SYNDROME -- FINDINGS.

3 The general assembly finds and declares that acquired
4 immune deficiency syndrome (AIDS) presents a significant
5 challenge to the nation and to this state. The nation and
6 this state are presented with the challenge of compensating
7 society for the loss of many young, productive citizens. The
8 state is also challenged with protecting the public health
9 while maintaining individual liberties.

10 Iowans will experience the impact of AIDS for some time and
11 expect the establishment of a proactive, effective policy
12 based upon reason and medical evidence, not a reactive,
13 ineffective policy based upon fear and prejudice.

14 An effective, comprehensive policy includes many elements.
15 The general assembly finds and declares that the state com-
16 prehensive plan for the prevention of and intervention in the
17 disease of AIDS includes the following elements: public and
18 professional health education; testing and counseling, includ-
19 ing contact counseling; and the increased availability of
20 public information. Other elements, including protection of
21 individual rights, confidentiality, and provision of care, are
22 parts of a comprehensive approach to AIDS prevention and
23 intervention.

24 Sec. 2. NEW SECTION. 135H.2 LEAD AGENCY.

25 The Iowa department of public health is designated as the
26 lead agency in the coordination and implementation of the
27 state comprehensive AIDS prevention and intervention plan.

28 Sec. 3. NEW SECTION. 135H.3 COMPREHENSIVE ACQUIRED
29 IMMUNE DEFICIENCY SYNDROME (AIDS) PREVENTION AND INTERVENTION
30 PLAN.

31 1. The Iowa department of public health shall implement
32 the various components of the comprehensive AIDS prevention
33 and intervention plan in accordance with the following
34 prioritized schedule:

35 a. Public and professional health education.

- 1 b. Testing and counseling.
- 2 c. Contact counseling.
- 3 d. Public information.

4 2. All federal and state moneys appropriated to the Iowa
5 department of public health for AIDS-related activities shall
6 be allocated in accordance with the prioritized schedule, and
7 grants shall be awarded to the maximum extent feasible to
8 community-based organizations.

9 Sec. 4. NEW SECTION. 135H.4 PUBLIC AND PROFESSIONAL
10 EDUCATION.

11 1. The Iowa department of public health shall, in co-
12 operation with the department of education and other agencies,
13 organizations, coalitions, and local health departments,
14 develop and implement a program of public and professional
15 AIDS education. In developing and implementing the program,
16 the Iowa department of public health shall:

17 a. Specify the basic elements of information about AIDS to
18 be communicated.

19 b. Recruit, train, and evaluate individuals for participa-
20 tion in AIDS coalitions and speakers bureaus in order to
21 deliver educational information to specific audiences.

22 2. The program of public and professional AIDS education
23 shall include all of the following components:

24 a. Pertinent AIDS information directed toward individuals
25 who are at risk for AIDS. Many people with risk factors for
26 AIDS misunderstand their personal risk or deny risk in spite
27 of targeted educational campaigns. The focus of services at
28 the personal level is to provide education tailored to an
29 individual. An individual may be at increased risk for
30 contracting the human immunodeficiency virus infection because
31 of the individual's sexual or drug abusing behaviors or
32 because the individual maintains a concealed lifestyle,
33 unreachable by community organizations or AIDS service groups.

34 The Iowa department of public health shall include within
35 this component the establishment of risk reduction AIDS edu-

1 cation programs for persons receiving services in residential
2 and methadone substance abuse treatment centers.

3 b. Pertinent AIDS information directed toward all pro-
4 viders of health care, including the following: providers who
5 are concerned about the disease and request information,
6 health professionals who serve persons with AIDS or those with
7 human immunodeficiency virus infection, and those providers
8 who need specific education about AIDS in the workplace
9 because their practice or duties involve possible human
10 immunodeficiency virus exposure.

11 This component shall include the distribution of informa-
12 tion to hospice, respite care, and home-health care providers,
13 and staff development programs for personnel in substance
14 abuse program centers.

15 c. Pertinent AIDS information directed toward selected
16 groups of the population, including but not limited to,
17 minorities and school and college age students. Messages
18 directed at these groups shall be individually designed for
19 the specific population.

20 d. Pertinent AIDS information directed toward the general
21 public. The general public needs AIDS information to increase
22 its understanding of the problem and to eliminate fear and
23 anxiety.

24 Sec. 5. NEW SECTION. 135H.5 TESTING AND COUNSELING.

25 Testing and counseling shall be offered to the following:

26 1. All persons seeking treatment for a sexually trans-
27 mitted disease.

28 2. All persons seeking treatment for intravenous drug
29 abuse or having a history of intravenous drug abuse.

30 3. All persons who consider themselves at risk for the
31 human immunodeficiency virus infection.

32 4. Male and female prostitutes.

33 Counseling and testing shall be provided at alternative
34 testing and counseling sites and at sexually transmitted
35 disease clinics. The Iowa department of public health shall

1 assist local boards of health in the development of programs
2 which provide free anonymous testing to the public.

3 Sec. 6. NEW SECTION. 135H.6 PUBLIC INFORMATION CAM-
4 PAIGNS.

5 The Iowa department of public health shall develop, in
6 cooperation with other agencies, organizations, coalitions,
7 and local health departments, through incorporation of the
8 efforts of print, wire, and air media, public information
9 campaigns to increase the distribution of information to the
10 public. Public information campaign activities shall include
11 the following:

12 1. The conducting of informational campaigns designed to
13 increase the awareness of AIDS in all segments of the
14 population with special emphasis on the groups at high risk.

15 2. The stimulation of individual and community actions to
16 develop AIDS public service activities.

17 3. The encouragement of the use of AIDS public service
18 announcements.

19 Sec. 7. NEW SECTION. 135H.7 PARTNER NOTIFICATION --
20 HUMAN IMMUNODEFICIENCY VIRUS (HIV).

21 1. The Iowa department of public health shall implement a
22 partner notification program and contact all persons known to
23 have tested positive for the human immunodeficiency virus
24 infection. The department shall request information regarding
25 the identities of all persons with whom the contacted person
26 has had sexual relations or shared intravenous equipment
27 during the time which is designated by the department as the
28 incubation period of the disease.

29 2. The Iowa department of public health shall alert a
30 person identified under subsection 1 who is likely to have
31 been exposed to the human immunodeficiency virus infection and
32 provide that the person is:

33 a. Informed of the risk of exposure.

34 b. Advised of the availability of testing.

35 c. Provided information concerning the nature of the

1 disease and its means of transmission and prevention.

2 d. Offered referrals for counseling or treatment.

3 e. Encouraged to refer for counseling and human
4 immunodeficiency virus infection testing any person with whom
5 the person has had sexual relations or has shared intravenous
6 equipment.

7 3. In making contact pursuant to subsection 2, the Iowa
8 department of public health shall not disclose the identity of
9 the person who provided the names of the persons to be
10 contacted and shall protect the confidentiality of persons
11 contacted.

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

17 5. A person who violates a confidentiality requirement of
18 subsection 1, 2, 3, or 4 is guilty of a class "D" felony.

19 6. A person contacted under this section, who reveals the
20 name or identity of a sexual partner or another person with
21 whom the person has shared intravenous equipment during the
22 course of an investigation, shall not be held liable in a
23 civil action for such revelation, unless the revelation is
24 made falsely or with reckless disregard for the truth.

25 7. The Iowa department of public health shall maintain the
26 confidentiality of the identity and testing status of the
27 person making the contact disclosure and the identities of the
28 persons contacted.

29 Sec. 8. NEW SECTION. 135.101 CERTIFICATION OF HUMAN
30 IMMUNODEFICIENCY VIRUS TESTING LABORATORIES.

31 1. For the purpose of this section unless the context
32 otherwise requires:

33 a. "Clinical laboratory" means a facility for the
34 microbiological, serological, chemical, hematological,
35 radiobioassay, cytological, immunohematological, pathological

1 or other examination of materials derived from the human body
2 for the purpose of providing information for the diagnosis,
3 prevention, or treatment of any disease or assessment of a
4 medical condition.

5 b. "Blood bank" means a facility for the collection,
6 processing, or storage of human blood or blood derivatives, or
7 from which or by means of which human blood or blood
8 derivatives are distributed or otherwise made available.

9 c. "Laboratory" includes a clinical laboratory and a blood
10 bank.

11 2. Beginning July 1, 1988, human immunodeficiency virus
12 screening and confirmatory testing shall be performed only by
13 laboratories certified on an annual basis pursuant to this
14 section.

15 3. The director of public health shall adopt rules
16 establishing standards for the certification of laboratories
17 to perform human immunodeficiency virus screening and
18 confirmatory testing. The rules shall include but are not
19 limited to standards relating to proficiency testing, record
20 maintenance, adequate staffing, and confirmatory testing.

21 4. The Iowa department of public health shall provide
22 application forms for certification of a laboratory. The
23 director shall prescribe by rule the information to be
24 included on the application form.

25 5. A laboratory shall not be certified unless the
26 laboratory meets all standards established by the Iowa
27 department of public health.

28 6. The Iowa department of public health may inquire into
29 the operation of laboratories and may conduct periodic
30 inspections of facilities, methods, procedures, materials,
31 staff, and equipment. The department may delegate this
32 authority to the state hygienic laboratory.

33 7. A laboratory's certification may be revoked, suspended,
34 or limited, if at any time the laboratory is found to be in
35 violation of any of the standards adopted by the department

1 pursuant to this section.

2 Sec. 9. Section 135.11, Code Supplement 1987, is amended
3 by adding the following new subsection:

4 NEW SUBSECTION. 22. Adopt rules which require personnel
5 of a licensed hospice, of a homemaker-home health aide
6 provider agency which receives state homemaker-home health
7 aide funds, or of an agency which provides respite care
8 services and receives state funds, to complete within six
9 months of initial employment, two hours of training concerning
10 acquired immune deficiency syndrome through a program approved
11 by the department.

12 Sec. 10. WAIVER PROCESS INITIATION.

13 The department of human services shall initiate the appli-
14 cation process in order to obtain a waiver from the health
15 care financing administration of the United States department
16 of health and human services for the provision of alternative
17 services to persons with acquired immune deficiency syndrome
18 or a related condition.

19 Sec. 11. NEW SECTION. 139.43 HUMAN IMMUNODEFICIENCY
20 VIRUS AND ACQUIRED IMMUNE DEFICIENCY SYNDROME -- SCREENING,
21 TESTING, AND REPORTING.

22 1. A physician or other health practitioner attending an
23 individual known by the physician or health practitioner as
24 having been diagnosed as having acquired immune deficiency
25 syndrome or a human immunodeficiency virus related illness, or
26 as having died as a result of human immunodeficiency virus
27 infection, shall report the information in writing within
28 twenty-four hours to the Iowa department of public health in a
29 form designated by the Iowa department of public health.

30 2. A person in charge of a blood plasma center, blood
31 bank, or public, private, or hospital clinical laboratory
32 shall report to the Iowa department of public health positive
33 results obtained in the examination of all specimens which
34 yield evidence of or are reactive for acquired immune
35 deficiency syndrome. The report shall state the name of the

1 person from whom the specimen was obtained, the name and
2 address of the physician, the laboratory result, and the date
3 that the laboratory examination was completed. The department
4 shall provide forms for the reports.

5 3. A minor who seeks an examination for acquired immune
6 deficiency syndrome shall have the legal capability to act and
7 give consent for the examination. Examination services must
8 be provided by a public or private hospital, a public or
9 private clinic, a physician, or an alternative test site.
10 Consent shall not be subject to later disaffirmance by reason
11 of minority. The consent of no other person or persons,
12 including but not limited to a spouse, parent, custodian, or
13 guardian, shall be required.

14 4. Facilities, including hospitals, clinics, sanitariums,
15 penal institutions, and other private or public institutions
16 which provide treatment to a person with the human
17 immunodeficiency virus related condition, shall report the
18 condition within twenty-four hours of its discovery to the
19 Iowa department of public health, in a form designated by the
20 department, information concerning an individual diagnosed as
21 having acquired immune deficiency syndrome or a human
22 immunodeficiency virus related condition, including death
23 resulting from the human immunodeficiency virus infection.

24 5. The form designated by the Iowa department of public
25 health shall contain the name, date of birth, sex, and address
26 of the person for whom the report is submitted, and the name
27 and address of the physician or other health practitioner
28 submitting the report.

29 6. A report or disclosure made in good faith pursuant to
30 this section shall not constitute libel or slander or a
31 violation of the right of privacy or privileged communication.

32 7. A person who in good faith complies with the provisions
33 of this section is immune from civil and criminal liability
34 for any action taken in order to comply with the provisions of
35 the section. A physician or other health practitioner

1 complying with the requirements of this section or with rules
2 adopted pursuant to this section shall be recognized as
3 fulfilling any duty of the physician or other health
4 practitioner to a third party.

5 8. A clinical laboratory rendering diagnostic services
6 shall report to the Iowa department of public health, within
7 twenty-four hours of laboratory confirmation, the name, date
8 of birth, sex, and address of a person whose specimen
9 submitted for examination tests positive for the human
10 immunodeficiency virus or the human immunodeficiency virus
11 antibody. The report shall include the type of test
12 performed, the diagnostic results, and the name and address of
13 the physician or other health practitioner, or any other
14 person or agency referring the specimen for clinical
15 diagnosis.

16 a. The report required to be submitted under this section
17 shall be strictly confidential medical information. The
18 information shall not be released, shared with an agency or
19 institution, or made public upon subpoena, search warrant,
20 discovery proceedings, or by any other means except under any
21 of the following circumstances:

22 (1) Release may be made of medical or epidemiological
23 information for statistical purposes in a manner such that no
24 individual person can be identified.

25 (2) Release may be made of medical or epidemiological
26 information to the extent necessary to enforce the provisions
27 of this section and related rules concerning the treatment,
28 control, and investigation of human immunodeficiency virus
29 infection by public health officials.

30 (3) Release may be made of medical or epidemiological
31 information to medical personnel in a medical emergency to the
32 extent necessary to protect the health or life of the named
33 party.

34 b. An officer or employee of the state or local department
35 of health shall not be examined in any judicial, executive,

1 legislative, or other proceeding as to the existence or
2 content of any individual report retained by the department
3 pursuant to this section or as to the existence or the
4 contents of reports received pursuant to this section under
5 this subsection.

6 9. a. State and local health officers shall investigate
7 sources of human immunodeficiency virus infection and shall
8 use every proper means to prevent the spread of the disease.

9 b. State and local health officers, as part of disease
10 control efforts, shall provide public information, risk
11 reduction education, confidential voluntary testing and
12 counseling, educational materials for use in schools, and
13 professional education to health care providers.

14 c. The Iowa department of public health and local health
15 officers may perform individual health assessment and sexual
16 and drug paraphernalia contact follow-up and referral of
17 contacts.

18 d. The Iowa department of public health shall do all of
19 the following:

20 (1) Prepare and disseminate to health care providers
21 circulars of information and presentations describing the
22 epidemiology, testing, diagnosis, treatment, medical,
23 counseling, and other aspects of human immunodeficiency virus
24 infection.

25 (2) Provide consultation to agencies and organizations
26 regarding appropriate policies for testing, education,
27 confidentiality, and infection control.

28 (3) Conduct health information programs to inform the
29 general public of the medical and psychosocial aspects of
30 human immunodeficiency virus infection, including updated
31 information on how infection is transmitted and can be
32 prevented. The department shall prepare, for free
33 distribution among the residents of the state, printed
34 information and instructions concerning the dangers from human
35 immunodeficiency virus infection, its prevention, and the

1 necessity for testing.

2 (4) Prepare and update an educational program concerning
3 human immunodeficiency virus infection in the workplace for
4 use by employers.

5 (5) Develop and implement human immunodeficiency virus
6 education risk-reduction programs for specific populations at
7 high risk for infection.

8 (6) In cooperation with the department of education,
9 develop and update a medically correct acquired immune
10 deficiency syndrome prevention curriculum for use at the
11 discretion of secondary and middle schools.

12 e. School districts are urged to provide every secondary
13 school student, with parental consent, education concerning
14 human immunodeficiency virus infection and acquired immune
15 deficiency syndrome and its prevention.

16 f. A physician who, during the course of an examination,
17 discovers the existence of human immunodeficiency virus
18 infection or who treats a patient for human immunodeficiency
19 virus infection to inform the patient of the interpretation of
20 laboratory results and measures for the prevention of the
21 infecting of others.

22 g. When investigating human immunodeficiency virus
23 infection, state and local health departments, within their
24 respective jurisdictions, may inspect and have access to
25 medical and laboratory records relevant to the investigation
26 of human immunodeficiency virus infection.

27 h. A physician, health practitioner, or other person, and
28 a hospital, clinic, sanitarium, laboratory, or other private
29 or public institution shall not test, or shall not cause by
30 any means to have tested, any specimen of any patient for
31 human immunodeficiency virus infection without the knowledge
32 and consent of the patient. However, knowledge and consent
33 are not required in the following instances:

34 (1) If the health of a health care provider, a law
35 enforcement officer, a custodial employee of the department of

1 corrections or the department of human services is immediately
2 threatened by exposure to human immunodeficiency virus in
3 blood or other bodily fluids.

4 (2) If a patient's medical condition is such that
5 knowledge of consent cannot be obtained.

6 (3) If the testing is performed as part of seroprevalence
7 surveys and all personal identifiers are removed from the
8 specimens prior to the laboratory testing.

9 (4) If the patient to be tested is sentenced to and or in
10 the custody of the department of corrections or is committed
11 to a hospital and confined to the forensic ward or the minimum
12 or maximum security ward of the hospital.

13 i. A person tested for human immunodeficiency virus
14 infection pursuant to this subsection without the knowledge
15 and consent of the person shall be given notice promptly,
16 personally, and confidentially that a test sample was taken
17 and that the results of the test may be obtained upon the
18 person's request.

19 Sec. 12. Sections 139.41 and 139.42, Code Supplement 1987,
20 are repealed.

21 EXPLANATION

22 This bill establishes a comprehensive acquired immune
23 deficiency syndrome (AIDS) prevention and intervention plan.
24 The plan includes provisions in a prioritized schedule for
25 public and professional health education, testing and
26 counseling, contact counseling, and a public information
27 campaign. The Iowa department of public health is designated
28 as the lead agency and is required to allocate state and
29 federal funds received in accordance with the prioritized
30 schedule. The bill also establishes a program for contact
31 counseling as a part of the plan; provides for the
32 certification of laboratories which perform human
33 immunodeficiency virus (HIV) screening and confirmatory
34 testing; establishes training requirements for certain health
35 care personnel; requires the department of public health to

1 initiate a waiver process for the financing of alternative
2 care for persons with AIDS or a related condition; and
3 requires the reporting of positive HIV test results. The bill
4 also provides for confidentiality of reports of HIV-related
5 conditions and instructs the department of public health to
6 provide certain educational information through circulars and
7 presentations.

8 SIMILAR TO SSB 2042 (LSB 7747SI)

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FILED MAR 2 1988

STATE OF IOWA

FISCAL NOTELSB No. 7747SStaff ID. RRS

REQ. BY SENATOR HANNON

SENATE FILE 2157

In compliance with a written request received February 12, 1988, a fiscal note for SENATE FILE 2157 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2157 establishes a comprehensive Acquired Immune Deficiency Syndrome (AIDS) Prevention and Intervention Plan within the Department of Public Health (DPH). Elements of the plan include:

1. A prioritized schedule for public and professional health education;
2. Testing and counseling, including contact counseling;
3. A public information campaign;
4. Protection of individual rights;
5. Confidentiality, and;
6. Provision of care.

Senate File 2157 provides for the certification of laboratories which perform Human Immuneodeficiency Virus (HIV) screening and confirmatory testing, establishes training requirements for certain health care personnel, requires the Department of Human Services (DHS) to initiate a waiver process for the financing of alternative care for persons with AIDS or a related condition, and requires the reporting of positive HIV test reports.

ASSUMPTIONS: Under SF 2157 the following assumptions would be established:

1. To fulfill the requirements of the Public and Professional Health Education component of the bill, \$388,000 would be required for 11 FTE positions, support and general operation expenses.
2. To fulfill the requirements of the Counseling, Testing, and Partner Notification component of the bill, \$590,985 would be required for 5.5 FTE positions, support, general operating expenses, contractual agreements with local health departments, and costs of testing at the University Hygienic Laboratory.
3. To fulfill the requirements of Public Information component in the bill, \$62,850 would be required for 1.5 FTE positions, support and general operating expenses.
4. To fulfill the requirements of Certification of Laboratories component in the bill, \$46,000 would be required for 2 FTE positions, support, and general operating expenses.
5. To fulfill the requirements of DHS initiating the application process to obtain the waiver component in this bill, \$6,000 would be required. There would be no FY 1990 cost because any federal waiver application must either save money or have no fiscal effect.
6. Without this bill, approximately 80% of the federal money would not be available.

STATE OF IOWA
FISCAL NOTE

LSB No. 7747S
Staff ID. RRS

REQ. BY SENATOR HANNON

SENATE FILE 2157

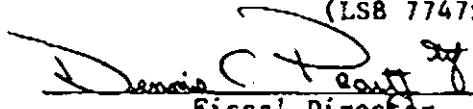
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FISCAL EFFECT:

	<u>FY 1989</u>	<u>FY 1990</u>
<u>REVENUE</u>		
General Fund	\$ 0	\$ 0
Federal Funds	383,156	500,000
Total	\$ 383,156	\$ 500,000
<u>EXPENDITURES</u>		
Salaries	\$ 453,975	\$ 499,373
(FTE's)	(20.0)	(20.0)
Support	136,600	143,430
Contractual	497,260	522,123
Waiver	6,000	0
Total	\$1,093,835	\$1,164,926
<u>NET EFFECT</u>	\$ <u>710,679</u>	\$ <u>664,926</u>

Source: Department of Public Health

(LSB 7747S, RRS)



Fiscal Director
Legislative Fiscal Bureau
Date: 3/3/88

SENATE 22
MARCH 1, 1988

SENATE FILE 2157

S-5185

1 Amend the Senate amendment, S-5147, to Senate File
2 2157 as follows:
3 1. Page 1, by striking lines 33 through 40.
4 2. Page 2, by striking lines 2 through 17.
5 3. Page 2, line 19, by striking the word and
6 figure "through 4" and inserting the following: "and
7 2".
8 4. Page 2, line 22, by striking the word "The".
9 5. Page 2, by striking lines 23 through 25.
10 6. Page 4, by inserting after line 21 the
11 following:
12 "____. Page 12, by striking lines 19 and 20."

S-5185

Filed February 29, 1988

BY LARRY MURPHY

Law 2/3 (p. 217)

SENATE FILE 2157

S-5187

1 Amend the Senate amendment, S-5147, to Senate File
2 2157 as follows:
3 1. Page 3, by inserting after line 9 the
4 following:
5 "____. Page 11, line 12, by striking the words
6 "are urged to" and inserting the following: "shall".
7 _____. Page 11, line 12, by inserting after the
8 word "every" the following: "elementary and"."

S-5187

Filed February 29, 1988

BY DAVID READINGER

Adopted 2/8 (p. 613)

S-5120

1 Amend Senate File 2157 as follows:

2 1. Page 12, by inserting after line 18, the
3 following:

4 "Sec. ____ . NEW SECTION. 139.44 LABELING OF
5 CERTAIN DEAD BODIES.

6 The Iowa department of public health shall adopt
7 rules requiring that, upon the death of a person who
8 had or was suspected of having an infectious or
9 communicable disease that could be transmitted through
10 contact with the person's body or bodily fluids, the
11 body shall be labeled "infection hazard" to warn
12 persons having subsequent contact with the body,
13 including a funeral director or embalmer, to take
14 suitable precautions. The rules shall require that
15 the label be prominently displayed on and affixed to
16 the outer wrapping or covering of the body if the body
17 is wrapped or covered in any manner. Responsibility
18 for the labeling lies with the attending physician who
19 certifies death, or if the death occurs in a health
20 care facility, with a staff member designated by the
21 administrator of the facility.

22 Sec. ____ . NEW SECTION. 142C.1 DIRECTED BLOOD
23 DONATIONS.

24 1. A licensed hospital or a blood bank shall allow
25 a recipient of blood to designate a donor of the
26 recipient's choice provided that all of the following
27 conditions are met:

28 a. The recipient, or someone on the recipient's
29 behalf, has solicited the donor.

30 b. The designated donor consents to the donation.

31 c. The designated donor's blood may be obtained in
32 sufficient time to meet the medical needs of the
33 recipient.

34 d. The designated donor is qualified to donate
35 blood.

36 e. The blood of the donor is acceptable for the
37 recipient's medical needs.

38 2. Blood donated for designated use shall be
39 reserved for the designated recipient. However, if
40 donated blood has not been used by the designated
41 recipient within seven days from the day of donation,
42 the blood may be used for any other medically
43 appropriate purpose.

44 3. This section does not limit other procedures
45 hospitals or blood banks may establish to enable
46 directed donations of blood to be made."

47 2. By renumbering the sections as necessary.

S 5120

Filed February 22, 1988

BY RAY TAYLOR

Amended and germane 2/23/88

SENATE FILE 2157

S-5147

1 Amend Senate File 2157 as follows:

2 1. Page 4, by striking lines 22 and 23 and
3 inserting the following: "partner notification
4 program and contact all persons reported to have had a
5 test result indicating human immunodeficiency virus
6 infection which has been confirmed as positive
7 according to prevailing medical technology."

8 2. Page 4, line 24, by striking the word
9 "infection."

10 3. Page 4, line 29, by striking the word "alert"
11 and inserting the following: "contact".

12 4. Page 5, by striking line 2 and inserting the
13 following:

14 "d. Offered referrals for testing, counseling, or
15 treatment."

16 5. Page 5, line 3, by striking the word "refer"
17 and inserting the following: "identify".

18 6. Page 5, by striking lines 19 through 28.

19 7. Page 5, line 29, by striking the figure
20 "135.101" and inserting the following: "135H.8".

21 8. Page 5, lines 28 and 29, by striking the words
22 "inquire into the operation of laboratories and may".

23 9. Page 6, line 30, by inserting after the word
24 "of" the following: "laboratory".

25 10. Page 6, line 31, by inserting after the word
26 "equipment" the following: "for compliance with the
27 standards established pursuant to this section".

28 11. Page 7, by inserting after line 1 the
29 following:

30 "Sec. . NEW SECTION. 135H.9 HUMAN
31 IMMUNODEFICIENCY VIRUS AND ACQUIRED IMMUNE DEFICIENCY
32 SYNDROME -- SCREENING, TESTING, AND REPORTING.

33 1. Immediately after the testing of a person with
34 a test result indicating human immunodeficiency virus
35 infection which has been confirmed as positive
36 according to prevailing medical technology, the
37 physician or other practitioner at whose request the
38 test was performed shall make a report to the Iowa
39 department of public health on a form provided by the
40 department.

41 2. Immediately after the diagnosis of a person as
42 having acquired immune deficiency syndrome or a human
43 immunodeficiency virus related illness, the diagnosing
44 physician shall make a report to the Iowa department
45 of public health on a form provided by the department.

46 3. Immediately after the death of a person
47 resulting from acquired immune deficiency syndrome or
48 a human immunodeficiency virus related illness, the
49 attending physician shall make a report to the Iowa
50 department of public health on a form provided by the

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1 department.

2 4. Immediately after the testing of a person with
3 a test result indicating human immunodeficiency virus
4 infection which has been confirmed as positive
5 according to prevailing medical technology, the
6 director of a blood plasma center or blood bank shall
7 make a report to the Iowa department of public health
8 on a form provided by the department.

9 5. Immediately after the testing of a person with
10 a test result indicating human immunodeficiency virus
11 infection which has been confirmed as positive
12 according to prevailing medical technology, the
13 director of a clinical laboratory shall make a report
14 to the Iowa department of public health stating the
15 person's name, if known, and the name and address of
16 the physician or other health care practitioner
17 requesting the test.

18 6. The forms provided by the department pursuant
19 to subsections 1 through 4 of this section shall
20 contain the name, date of birth, sex, and address of
21 the subject of the report and the name and address of
22 the physician or other person making the report. The
23 forms shall make provision for reporting where
24 anonymity has been requested by the subject of the
25 report."

26 12. BY striking page 7, line 2 through page 10,
27 line 5.

28 13. Page 10, by inserting before line 6 the
29 following:

30 "Sec. . . . NEW SECTION. 135H.10 DUTIES OF PUBLIC
31 HEALTH OFFICIALS."

32 14. Page 10, line 6, by striking the figures "9.
33 a." and inserting the following: "1."

34 15. Page 10, line 8, by striking the word
35 "proper" and inserting the following: "appropriate".

36 16. Page 10, by striking lines 9 through 17.

37 17. Page 10, line 18, by striking the figure "d."
38 and inserting the following: "2."

39 18. Page 10, by striking lines 20 through 24.

40 19. Page 10, line 25, by striking the figure
41 "(2)" and inserting the following: "a."

42 20. By striking page 10, line 28 through page 11,
43 line 1 and inserting the following:

44 "b. Conduct health information programs for the
45 public relating to human immunodeficiency virus
46 infection, including information about how the
47 infection is transmitted and can be prevented. The
48 department shall prepare, for free distribution,
49 printed information relating to human immunodeficiency
50 virus infection and prevention."

1 21. Page 11, by striking lines 2 through 4 and
2 inserting the following:

3 "c. Provide educational programs concerning human
4 immunodeficiency virus infection in the workplace."

5 22. Page 11, line 5, by striking the figure "(5)"
6 and inserting the following: "d."

7 23. Page 11, line 8, by striking the figure "(6)"
8 and inserting the following: "e."

9 24. Page 11, line 12, by striking the figure "e."

10 25. By striking page 11, line 16 through page 12,
11 line 18 and inserting the following:

12 "Sec. . NEW SECTION. 135H.11 CONFIDENTIAL
13 REPORTS AND IMMUNITIES.

14 1. Reports, information, and records submitted and
15 maintained pursuant to this chapter are strictly
16 confidential medical information. The information
17 shall not be released, shared with an agency or
18 institution, or made public upon subpoena, search
19 warrant, discovery proceedings, or by any other means
20 except under any of the following circumstances:

21 a. Release may be made of medical or
22 epidemiological information for statistical purposes
23 in a manner such that no individual person can be
24 identified.

25 b. Release may be made of medical or
26 epidemiological information to the extent necessary to
27 enforce the provisions of this chapter and related
28 rules concerning the treatment, control, and
29 investigation of human immunodeficiency virus
30 infection by public health officials.

31 c. Release may be made of medical or
32 epidemiological information to medical personnel in a
33 medical emergency to the extent necessary to protect
34 the health or life of the named party.

35 2. An officer or employee of the state or local
36 department of health or a person making a report
37 pursuant to this chapter shall not be examined in any
38 judicial, executive, legislative, or other proceeding
39 as to the existence or content of an individual report
40 made pursuant to this chapter.

41 3. Reports, information, and records which contain
42 the identity of persons shall be destroyed
43 immediately after the extraction of statistical data
44 and completion of contact identification or in no
45 event longer than six months from the date the report,
46 information, or record was received.

47 4. A person making a report in good faith pursuant
48 to this chapter is immune from any liability, civil or
49 criminal, which might otherwise be incurred or imposed
50 as a result of the report."

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1 26. Page 12, by inserting before line 19 the
2 following:

3 "Sec. ____ . Section 135.11, Code Supplement 1987,
4 is amended by adding the following new subsection:
5 NEW SUBSECTION. 22. Adopt rules which require
6 personnel of a licensed hospice, of a homemaker-home
7 health aide provider agency which receives state
8 homemaker-home health aide funds, or of an agency
9 which provides respite care services and receives
10 state funds, to complete within six months of initial
11 employment, two hours of training concerning acquired
12 immune deficiency syndrome through a program approved
13 by the department.

14 Sec. ____ . WAIVER PROCESS INITIATION.

15 The department of human services shall initiate the
16 application process in order to obtain a waiver from
17 the health care financing administration of the United
18 States department of health and human services for the
19 provision of alternative services to persons with
20 acquired immune deficiency syndrome or a related
21 condition."

22 27. By renumbering sections as necessary. .

S-5147

Filed February 25, 1988

*Amended by S 159 and S 272 and
Adopted 2/5 (p. 6287)*

BY AL STURGEON
DAVID READINGER
CHARLES BRUNER
JULIA GENTLEMAN
BEVERLY A. HANNON

SENATE FILE 2157

S-5188

1 Amend the Senate amendment, S-5147, to Senate File
2 2157 as follows:

3 1. Page 1, by striking lines 2 through 17 and
4 inserting the following:

5 "_____. By striking page 4, line 19 through page 5,
6 line 6 and inserting the following:

7 "Sec. _____. NEW SECTION. 135H.7 PILOT PARTNER
8 NOTIFICATION PROGRAM -- HUMAN IMMUNODEFICIENCY VIRUS
9 (HIV).

10 1. The Iowa department of public health shall
11 implement, as a part of the comprehensive AIDS
12 prevention and intervention plan, a partner
13 notification project for persons known to have tested
14 positive for the human immunodeficiency virus
15 infection, beginning September 1, 1988.

16 2. The Iowa department of public health shall
17 initiate the program at alternative testing and
18 counseling sites and at sexually transmitted disease
19 clinics in the county with the highest prevalence of
20 confirmed cases of acquired immune deficiency syndrome
21 (AIDS).

22 3. The Iowa department of public health shall
23 report the results of the pilot project to the general
24 assembly on or before January 1, 1989.

25 4. In administering the pilot project, the Iowa
26 department of public health shall provide for the
27 following:

28 a. A person who tests positive for the human
29 immunodeficiency virus infection shall receive
30 posttest counseling, during which time the person
31 shall be encouraged on a strictly confidential basis
32 to refer for counseling and human immunodeficiency
33 virus testing any person with whom the person has had
34 sexual relations or has shared intravenous equipment.

35 b. If, following counseling, a person who tests
36 positive for the human immunodeficiency virus
37 infection chooses to disclose the identity of any
38 sexual partners or persons with whom the person has
39 shared intravenous equipment, the physician or health
40 practitioner attending the person shall obtain written
41 consent which acknowledges that the person is making
42 the disclosure voluntarily.

43 c. The physician or health practitioner attending
44 the person shall forward any written consent forms to
45 the Iowa department of public health."

46 _____. Page 5, line 7, by striking the words and
47 figure "pursuant to subsection 2,".

48 _____. Page 5, line 18, by striking the word and
49 figures "3, or 4" and inserting the following: "3, 4,
50 5, or 6"."

S-5188 Page 2

1 2. By renumbering as necessary.

S-5188

Filed February 29, 1988 *Adopted 3/1/88*

BY LARRY MURPHY

SENATE FILE 2157

S-5197

1 Amend Senate File 2157 as follows:

2 1. Page 12, by inserting after line 18 the
3 following:

4 "Sec. ____ . NEW SECTION. 139.44 LABELING OF
5 CERTAIN DEAD BODIES.

6 The Iowa department of public health shall adopt
7 rules requiring that, upon the death of a person who
8 had or was suspected of having a communicable disease
9 that could be transmitted through contact with the
10 person's body or bodily fluids, the body shall be
11 labeled "infection hazard" to warn persons having
12 subsequent contact with the body, including a funeral
13 director or embalmer, to take suitable precautions.
14 The rules shall require that the label be prominently
15 displayed on and affixed to the outer wrapping or
16 covering of the body if the body is wrapped or covered
17 in any manner. Responsibility for the labeling lies
18 with the attending physician who certifies death, or
19 if the death occurs in a health care facility, with a
20 staff member designated by the administrator of the
21 facility."

22 2. By renumbering as necessary.

S-5197

Filed March 1, 1988

BY RAY TAYLOR

Order met 3/18/88

SENATE FILE 2157

S-5214

1 Amend Senate File 2157 as follows:

2 1. Page 12, by inserting after line 18, the
3 following:

4 "10. For purposes of this section, "good faith"
5 means objectively reasonable, and not in violation of
6 clearly established statutory rights or other rights
7 of a person which a reasonable person would know or
8 should have known."

S-5214

Filed March 3, 1988

BY TOM MANN, Jr.

Adopted 3/3/88

SENATE FILE 2157

S-5272

1 Amend amendment, S-5147, to Senate File 2157 as
2 follows:

3 1. Page 1, line 40, by inserting after the word
4 "department." the following: "Prior to withdrawing
5 blood for the purpose of performing a human
6 immunodeficiency virus-related test, the physician or
7 other practitioner shall inform the subject of the
8 test that the test is voluntary and may be performed
9 anonymously if requested. Prior to making the
10 required report, the physician or other practitioner
11 shall provide written information regarding the
12 partner notification program and shall inquire if the
13 person wishes to initiate participation in the program
14 by agreeing to have identifying information reported
15 to the department on a confidential basis."

16 2. Page 2, by striking line 15, and inserting the
17 following: "person's name or a confidential form of
18 identification known only to the physician or other
19 health practitioner requesting the test and the name
20 and address of".

21 3. Page 2, line 19, by striking the words and
22 figures "1 through 4 of this section" and inserting
23 the following: "2 and 3".

24 4. Page 2, by striking lines 23 through 25 and
25 inserting the following: "forms provided by the
26 department pursuant to subsections 1, 4, and 5 may
27 include the subject's age, race, marital status, or
28 other information deemed necessary by the department
29 for epidemiological purposes, but shall not include
30 the subject's name or address without the written
31 authorization of the subject.

32 The subject shall be provided with information
33 regarding the confidentiality measures followed by the
34 department and may request that the department
35 maintain the subject's confidential file for the
36 purposes of partner notification, or for the inclusion
37 of the subject in research or treatment programs."

38 5. Page 3, line 42, by inserting after the word
39 "persons" the following: "except reports,
40 information, and records necessary to honor the
41 requests made pursuant to section 135H.9".

S-5272
Filed March 8, 1988

ADOPTED
(p. 600)

BY AL STURGEON
JEAN LLOYD-JONES

SENATE FILE 2157

S-5253

1 Amend the Amendment S-5147 to Senate File 2157 as
2 follows:
3 1. Page 2, line 15, by striking the words
4 "person's name, if known, and the".
5 2. Page 2, line 19, by striking the word and
6 figures "1 through 4" and inserting the following: "2
7 and 3".
8 3. Page 2, by striking lines 23 through 25 and
9 inserting the following: "forms provided by the
10 department, pursuant to subsections 1, 4, and 5 shall
11 not include the subject's name or address but may
12 include the subject's age, race, marital status, or
13 other information deemed necessary by the department
14 for epidemiological purposes."

S-5253

Filed March 7, 1988

*Adopted 3/8 by 57-21 that the measure (S-5253)
be amended as follows: c/o (p. 6 88)*

BY JEAN LLOYD-JONES
BEVERLY A. HANNON
JIM R. RIORDAN
MICHAEL E. GRONSTAL
TOM MANN, Jr.
CHARLES BRUNER

5001 Section 1. NEW SECTION. 135H.1 ACQUIRED IMMUNE DE-
2 FICIENCY SYNDROME -- FINDINGS.

5003 The general assembly finds and declares that acquired
4 immune deficiency syndrome (AIDS) presents a significant
5 challenge to the nation and to this state. The nation and
6 this state are presented with the challenge of compensating
7 society for the loss of many young, productive citizens. The
8 state is also challenged with protecting the public health
9 while maintaining individual liberties.

5010 Iowans will experience the impact of AIDS for some time and
11 expect the establishment of a proactive, effective policy
12 based upon reason and medical evidence, not a reactive,
13 ineffective policy based upon fear and prejudice.

5014 An effective, comprehensive policy includes many elements.
15 The general assembly finds and declares that the state com-
16 prehensive plan for the prevention of and intervention in the
17 disease of AIDS includes the following elements: public and
18 professional health education; testing and counseling, includ-
19 ing contact counseling; and the increased availability of
20 public information. Other elements, including protection of
21 individual rights, confidentiality, and provision of care, are
22 parts of a comprehensive approach to AIDS prevention and
23 intervention.

5024 Sec. 2. NEW SECTION. 135H.2 LEAD AGENCY.

25 The Iowa department of public health is designated as the
26 lead agency in the coordination and implementation of the
27 state comprehensive AIDS prevention and intervention plan.

5028 Sec. 3. NEW SECTION. 135H.3 COMPREHENSIVE ACQUIRED
29 IMMUNE DEFICIENCY SYNDROME (AIDS) PREVENTION AND INTERVENTION
30 PLAN.

31 1. The Iowa department of public health shall implement
32 the various components of the comprehensive AIDS prevention
33 and intervention plan in accordance with the following
34 prioritized schedule:

35 a. Public and professional health education.

1 b. Testing and counseling.

2 c. Contact counseling.

3 d. Public information.

4 2. All federal and state moneys appropriated to the Iowa
5 department of public health for AIDS-related activities shall
6 be allocated in accordance with the prioritized schedule, and
7 grants shall be awarded to the maximum extent feasible to
8 community-based organizations.

9 Sec. 4. NEW SECTION. 135H.4 PUBLIC AND PROFESSIONAL
10 EDUCATION.

11 1. The Iowa department of public health shall, in co-
12 operation with the department of education and other agencies,
13 organizations, coalitions, and local health departments,
14 develop and implement a program of public and professional
15 AIDS education. In developing and implementing the program,
16 the Iowa department of public health shall:

17 a. Specify the basic elements of information about AIDS to
18 be communicated.

19 b. Recruit, train, and evaluate individuals for participa-
20 tion in AIDS coalitions and speakers bureaus in order to
21 deliver educational information to specific audiences.

22 2. The program of public and professional AIDS education
23 shall include all of the following components:

24 a. Pertinent AIDS information directed toward individuals
25 who are at risk for AIDS. Many people with risk factors for
26 AIDS misunderstand their personal risk or deny risk in spite
27 of targeted educational campaigns. The focus of services at
28 the personal level is to provide education tailored to an
29 individual. An individual may be at increased risk for
30 contracting the human immunodeficiency virus infection because
31 of the individual's sexual or drug abusing behaviors or
32 because the individual maintains a concealed lifestyle,
33 unreachable by community organizations or AIDS service groups.

34 The Iowa department of public health shall include within
35 this component the establishment of risk reduction AIDS edu-

1 cation programs for persons receiving services in residential
2 and methadone substance abuse treatment centers.

3 b. Pertinent AIDS information directed toward all pro-
4 vidiers of health care, including the following: providers who
5 are concerned about the disease and request information,
6 health professionals who serve persons with AIDS or those with
7 human immunodeficiency virus infection, and those providers
8 who need specific education about AIDS in the workplace
9 because their practice or duties involve possible human
10 immunodeficiency virus exposure.

11 This component shall include the distribution of informa-
12 tion to hospice, respite care, and home-health care providers,
13 and staff development programs for personnel in substance
14 abuse program centers.

15 c. Pertinent AIDS information directed toward selected
16 groups of the population, including but not limited to,
17 minorities and school and college age students. Messages
18 directed at these groups shall be individually designed for
19 the specific population.

20 d. Pertinent AIDS information directed toward the general
21 public. The general public needs AIDS information to increase
22 its understanding of the problem and to eliminate fear and
23 anxiety.

24 Sec. 5. NEW SECTION. 135H.5 TESTING AND COUNSELING.

25 Testing and counseling shall be offered to the following:

26 1. All persons seeking treatment for a sexually trans-
27 mitted disease.

28 2. All persons seeking treatment for intravenous drug
29 abuse or having a history of intravenous drug abuse.

30 3. All persons who consider themselves at risk for the
31 human immunodeficiency virus infection.

32 4. Male and female prostitutes.

33 Counseling and testing shall be provided at alternative
34 testing and counseling sites and at sexually transmitted
35 disease clinics. The Iowa department of public health shall

1 assist local boards of health in the development of programs
2 which provide free anonymous testing to the public.

3 Sec. 6. NEW SECTION. 135H.6 PUBLIC INFORMATION CAM-
4 PAIGNS.

5 The Iowa department of public health shall develop, in
6 cooperation with other agencies, organizations, coalitions,
7 and local health departments, through incorporation of the
8 efforts of print, wire, and air media, public information
9 campaigns to increase the distribution of information to the
10 public. Public information campaign activities shall include
11 the following:

12 1. The conducting of informational campaigns designed to
13 increase the awareness of AIDS in all segments of the
14 population with special emphasis on the groups at high risk.

15 2. The stimulation of individual and community actions to
16 develop AIDS public service activities.

17 3. The encouragement of the use of AIDS public service
18 announcements.

19 Sec. 7. NEW SECTION. 135H.7 PILOT PARTNER NOTIFICATION
20 PROGRAM -- HUMAN IMMUNODEFICIENCY VIRUS (HIV).

21 1. The Iowa department of public health shall implement,
22 as a part of the comprehensive AIDS prevention and
23 intervention plan, a partner notification project for persons
24 known to have tested positive for the human immunodeficiency
25 virus infection, beginning September 1, 1988.

26 2. The Iowa department of public health shall initiate the
27 program at alternative testing and counseling sites and at
28 sexually transmitted disease clinics in the county with the
29 highest prevalance of confirmed cases of acquired immune
30 deficiency syndrome (AIDS).

31 3. The Iowa department of public health shall report the
32 results of the pilot project to the general assembly on or
33 before January 1, 1989.

34 4. In administering the pilot project, the Iowa department
35 of public health shall provide for the following:

1 a. A person who tests positive for the human
2 immunodeficiency virus infection shall receive posttest
3 counseling, during which time the person shall be encouraged
4 on a strictly confidential basis to refer for counseling and
5 human immunodeficiency virus testing any person with whom the
6 person has had sexual relations or has shared intravenous
7 equipment.

8 b. If, following counseling, a person who tests positive
9 for the human immunodeficiency virus infection chooses to
10 disclose the identity of any sexual partners or persons with
11 whom the person has shared intravenous equipment, the
12 physician or health practitioner attending the person shall
13 obtain written consent which acknowledges that the person is
14 making the disclosure voluntarily.

15 c. The physician or health practitioner attending the
16 person shall forward any written consent forms to the Iowa
17 department of public health.

* 18 5. In making contact the Iowa department of public health
19 shall not disclose the identity of the person who provided the
20 names of the persons to be contacted and shall protect the
21 confidentiality of persons contacted.

22 6. The Iowa department of public health may delegate its
23 partner notification duties under this section to local health
24 authorities unless the local authority refuses or neglects to
25 conduct the contact tracing program in a manner deemed to be
26 effective by the Iowa department of public health.

27 7. A person who violates a confidentiality requirement of
28 subsection 1, 2, 3, 4, 5, or 6 is guilty of a class "D"
29 felony.

* 30 Sec. 8. NEW SECTION. 135H.8 CERTIFICATION OF HUMAN
31 IMMUNODEFICIENCY VIRUS TESTING LABORATORIES.

32 1. For the purpose of this section unless the context
33 otherwise requires:

34 a. "Clinical laboratory" means a facility for the
35 microbiological, serological, chemical, hematological,

1 radiobioassay, cytological, immunohematological, pathological
2 or other examination of materials derived from the human body
3 for the purpose of providing information for the diagnosis,
4 prevention, or treatment of any disease or assessment of a
5 medical condition.

6 b. "Blood bank" means a facility for the collection,
7 processing, or storage of human blood or blood derivatives, or
8 from which or by means of which human blood or blood
9 derivatives are distributed or otherwise made available.

10 c. "Laboratory" includes a clinical laboratory and a blood
11 bank.

12 2. Beginning July 1, 1988, human immunodeficiency virus
13 screening and confirmatory testing shall be performed only by
14 laboratories certified on an annual basis pursuant to this
15 section.

16 3. The director of public health shall adopt rules
17 establishing standards for the certification of laboratories
18 to perform human immunodeficiency virus screening and
19 confirmatory testing. The rules shall include but are not
20 limited to standards relating to proficiency testing, record
21 maintenance, adequate staffing, and confirmatory testing.

22 4. The Iowa department of public health shall provide
23 application forms for certification of a laboratory. The
24 director shall prescribe by rule the information to be
25 included on the application form.

26 5. A laboratory shall not be certified unless the
27 laboratory meets all standards established by the Iowa
28 department of public health.

* 29 6. The Iowa department of public health may conduct
30 periodic inspections of laboratory facilities, methods,
31 procedures, materials, staff, and equipment for compliance
32 with the standards established pursuant to this section. The
33 department may delegate this authority to the state hygienic
34 laboratory.

35 7. A laboratory's certification may be revoked, suspended,

1 or limited, if at any time the laboratory is found to be in
2 violation of any of the standards adopted by the department
3 pursuant to this section.

4 Sec. 9. NEW SECTION. 135H.9 HUMAN IMMUNODEFICIENCY VIRUS
5 AND ACQUIRED IMMUNE DEFICIENCY SYNDROME -- SCREENING, TESTING,
6 AND REPORTING.

7 1. Immediately after the testing of a person with a test
8 result indicating human immunodeficiency virus infection which
9 has been confirmed as positive according to prevailing medical
10 technology, the physician or other practitioner at whose
11 request the test was performed shall make a report to the Iowa
12 department of public health on a form provided by the
13 department. Prior to withdrawing blood for the purpose of
14 performing a human immunodeficiency virus-related test, the
15 physician or other practitioner shall inform the subject of
16 the test that the test is voluntary and may be performed
17 anonymously if requested. Prior to making the required
18 report, the physician or other practitioner shall provide
19 written information regarding the partner notification program
20 and shall inquire if the person wishes to initiate
21 participation in the program by agreeing to have identifying
22 information reported to the department on a confidential
23 basis.

24 2. Immediately after the diagnosis of a person as having
25 acquired immune deficiency syndrome or a human
26 immunodeficiency virus related illness, the diagnosing
27 physician shall make a report to the Iowa department of public
28 health on a form provided by the department.

29 3. Immediately after the death of a person resulting from
30 acquired immune deficiency syndrome or a human
31 immunodeficiency virus related illness, the attending
32 physician shall make a report to the Iowa department of public
33 health on a form provided by the department.

34 4. Immediately after the testing of a person with a test
35 result indicating human immunodeficiency virus infection which

1 has been confirmed as positive according to prevailing medical
2 technology, the director of a blood plasma center or blood
3 bank shall make a report to the Iowa department of public
4 health on a form provided by the department.

5 5. Immediately after the testing of a person with a test
6 result indicating human immunodeficiency virus infection which
7 has been confirmed as positive according to prevailing medical
8 technology, the director of a clinical laboratory shall make a
9 report to the Iowa department of public health stating the
10 person's name or a confidential form of identification known
11 only to the physician or other health practitioner requesting
12 the test and the name and address of the physician or other
13 health care practitioner requesting the test.

14 6. The forms provided by the department pursuant to
15 subsections 2 and 3 shall contain the name, date of birth,
16 sex, and address of the subject of the report and the name and
17 address of the physician or other person making the report.
18 The forms provided by the department pursuant to subsections
19 1, 4, and 5 may include the subject's age, race, marital
20 status, or other information deemed necessary by the
21 department for epidemiological purposes, but shall not include
22 the subject's name or address without the written
23 authorization of the subject.

24 The subject shall be provided with information regarding
25 the confidentiality measures followed by the department and
26 may request that the department maintain the subject's
27 confidential file for the purposes of partner notification, or
28 for the inclusion of the subject in research or treatment
29 programs.

30 * Sec. 10. NEW SECTION. 135H.10 DUTIES OF PUBLIC HEALTH
31 OFFICIALS.

32 1. State and local health officers shall investigate
33 sources of human immunodeficiency virus infection and shall
34 use every appropriate means to prevent the spread of the
35 disease.

* 1 2. The Iowa department of public health shall do all of
2 the following:

* 3 a. Provide consultation to agencies and organizations
4 regarding appropriate policies for testing, education,
5 confidentiality, and infection control.

6 b. Conduct health information programs for the public
7 relating to human immunodeficiency virus infection, including
8 information about how the infection is transmitted and can be
9 prevented. The department shall prepare, for free
10 distribution, printed information relating to human
11 immunodeficiency virus infection and prevention.

12 c. Provide educational programs concerning human
13 immunodeficiency virus infection in the workplace.

14 d. Develop and implement human immunodeficiency virus
15 education risk-reduction programs for specific populations at
16 high risk for infection.

17 e. In cooperation with the department of education,
18 develop and update a medically correct acquired immune
19 deficiency syndrome prevention curriculum for use at the
20 discretion of secondary and middle schools.

* 21 School districts shall provide every elementary and
22 secondary school student, with parental consent, education
23 concerning human immunodeficiency virus infection and acquired
24 immune deficiency syndrome and its prevention.

25 Sec. 11. NEW SECTION. 135H.11 CONFIDENTIAL REPORTS AND
26 IMMUNITIES.

27 1. Reports, information, and records submitted and
28 maintained pursuant to this chapter are strictly confidential
29 medical information. The information shall not be released,
30 shared with an agency or institution, or made public upon
31 subpoena, search warrant, discovery proceedings, or by any
32 other means except under any of the following circumstances:

33 a. Release may be made of medical or epidemiological
34 information for statistical purposes in a manner such that no
35 individual person can be identified.

1 b. Release may be made of medical or epidemiological
2 information to the extent necessary to enforce the provisions
3 of this chapter and related rules concerning the treatment,
4 control, and investigation of human immunodeficiency virus
5 infection by public health officials.

6 c. Release may be made of medical or epidemiological
7 information to medical personnel in a medical emergency to the
8 extent necessary to protect the health or life of the named
9 party.

10 2. An officer or employee of the state or local department
11 of health or a person making a report pursuant to this chapter
12 shall not be examined in any judicial, executive, legislative,
13 or other proceeding as to the existence or content of an
14 individual report made pursuant to this chapter.

15 3. Reports, information, and records which contain the
16 identity of persons except reports, information, and records
17 necessary to honor the requests made pursuant to section
18 135H.9 shall be destroyed immediately after the extraction of
19 statistical data and completion of contact identification or
20 in no event longer than six months from the date the report,
21 information, or record was received.

22 4. A person making a report in good faith pursuant to this
23 chapter is immune from any liability, civil or criminal, which
24 might otherwise be incurred or imposed as a result of the
25 report.

26 5. For purposes of this section, "good faith" means
27 objectively reasonable, and not in violation of clearly
28 established statutory rights or other rights of a person which
29 a reasonable person would know or should have known.

30 Sec. 12. Section 135.11, Code Supplement 1987, is amended
31 by adding the following new subsection:

32 NEW SUBSECTION. 22. Adopt rules which require personnel
33 of a licensed hospice, of a homemaker-home health aide
34 provider agency which receives state homemaker-home health
35 aid funds, or of an agency which provides respite care

1 services and receives state funds, to complete within six
2 months of initial employment, two hours of training concerning
3 acquired immune deficiency syndrome through a program approved
4 by the department.

5 Sec. 13. WAIVER PROCESS INITIATION.

6 The department of human services shall initiate the
7 application process in order to obtain a waiver from the
8 health care financing administration of the United States
9 department of health and human services for the provision of
10 alternative services to persons with acquired immune
11 deficiency syndrome or a related condition.

12 Sec. 14. Sections 139.41 and 139.42, Code Supplement 1987,
13 are repealed.

14 SIMILAR TO SSB 2042 (LSB 7747SI)

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SENATE FILE 2157

H-5869

1 Amend Senate File 2157 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 1 through 23 and
4 inserting the following:

5 "Section 1. ACQUIRED IMMUNE DEFICIENCY SYNDROME-
6 RELATED CONDITIONS -- FINDINGS.

7 The general assembly finds and declares that
8 acquired immune deficiency syndrome (AIDS)-related
9 conditions present a significant challenge to the
10 nation and to this state. The nation and this state
11 are presented with the challenge of compensating
12 society for the loss of many young, productive
13 citizens. The state is also challenged with
14 protecting the public health while maintaining
15 individual liberties.

16 Iowans will experience the impact of AIDS-related
17 conditions for some time and expect the establishment
18 of a proactive, effective policy based upon reason and
19 medical evidence, not a reactive, ineffective policy
20 based upon fear and prejudice.

21 An effective, comprehensive policy includes many
22 elements. The general assembly finds and declares
23 that the state comprehensive plan for the prevention
24 of and intervention in AIDS-related conditions
25 includes the following elements: public and
26 professional health education; testing and counseling,
27 including contact counseling; and the increased
28 availability of public information. Other elements,
29 including protection of individual rights,
30 confidentiality, and provision of care, are parts of a
31 comprehensive approach to prevention of and
32 intervention in AIDS-related conditions."

33 2. Page 1, line 24, by striking the figure
34 "135H.2" and inserting the following: "135H.1".

35 3. Page 1, by striking line 27 and inserting the
36 following: "state comprehensive acquired immune
37 deficiency syndrome (AIDS)-related conditions
38 prevention and intervention plan. As used in this
39 chapter, "acquired immune deficiency syndrome-related
40 conditions" or "AIDS-related conditions" means human
41 immunodeficiency virus, acquired immune deficiency
42 syndrome, acquired immune deficiency syndrome-related
43 complex, or any other condition resulting from the
44 human immunodeficiency virus infection."

45 4. Page 1, by striking lines 28 through 30 and
46 inserting the following:

47 "Sec. . NEW SECTION. 135H.2 COMPREHENSIVE
48 ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)-RELATED
49 CONDITIONS PREVENTION AND INTERVENTION PLAN."

50 5. Page 2, line 9, by striking the figure

H-5869

Page 2

- 1 "135H.4" and inserting the following: "135H.3".
- 2 6. Page 2, by striking lines 15 through 21 and
- 3 inserting the following: "AIDS-related education."
- 4 7. Page 2, line 22, by striking the word "AIDS"
- 5 and inserting the following: "AIDS-related".
- 6 8. Page 2, line 23, by striking the words "all
- 7 of".
- 8 9. By striking page 2, line 24 through page 3,
- 9 line 23, and inserting the following:
- 10 "a. Pertinent AIDS-related conditions information
- 11 directed toward individuals who are at risk for an
- 12 AIDS-related condition.
- 13 b. Pertinent AIDS-related conditions information
- 14 directed toward all providers of health care.
- 15 c. Pertinent AIDS-related conditions information
- 16 directed toward the general public."
- 17 10. Page 3, line 24, by striking the figure
- 18 "135H.5" and inserting the following: "135H.4".
- 19 11. Page 4, line 3, by striking the figure
- 20 "135H.6" and inserting the following: "135H.5".
- 21 12. Page 4, by striking lines 12 through 14 and
- 22 inserting the following:
- 23 "1. The conducting of informational campaigns
- 24 designed to increase the understanding of AIDS-related
- 25 conditions in all segments of the population to
- 26 alleviate unfounded fear and anxiety."
- 27 13. Page 4, line 19, by striking the word and
- 28 figure "135H.7 PILOT" and inserting the following:
- 29 "135H.6".
- 30 14. Page 4, line 23, by striking the word
- 31 "project" and inserting the following: "program".
- 32 15. Page 4, by striking lines 28 through 33 and
- 33 inserting the following: "sexually transmitted
- 34 disease clinics."
- 35 16. Page 4, line 34, by striking the words "pilot
- 36 project" and inserting the following: "program".
- 37 17. Page 5, line 30, by striking the word and
- 38 figure "135H.8 CERTIFICATION" and inserting the
- 39 following: "135H.7 ACCREDITATION".
- 40 18. Page 6, line 17, by striking the word
- 41 "certification" and inserting the following:
- 42 "accreditation".
- 43 19. Page 6, line 21, by inserting after the word
- 44 "testing." the following: "The rules shall provide
- 45 for acceptance of accreditation programs which are in
- 46 conformance with the standards established by the
- 47 rules."
- 48 20. Page 7, by striking lines 4 through 33 and
- 49 inserting the following:
- 50 "Sec. ____ . NEW SECTION. 135H.8 ACQUIRED IMMUNE

1 DEFICIENCY SYNDROME (AIDS)-RELATED CONDITIONS --
 2 SCREENING, TESTING, AND REPORTING.

3 1. Prior to withdrawing blood for the purpose of
 4 performing a human immunodeficiency virus-related
 5 test, the physician or other practitioner shall inform
 6 the subject of the test that the test is voluntary and
 7 may be performed anonymously if requested. Within
 8 seven days after the testing of a person with a test
 9 result indicating human immunodeficiency virus
 10 infection which has been confirmed as positive
 11 according to prevailing medical technology, the
 12 physician or other practitioner at whose request the
 13 test was performed shall make a report to the Iowa
 14 department of public health on a form provided by the
 15 department. Prior to making the required report, the
 16 physician or other practitioner shall provide written
 17 information regarding the partner notification program
 18 and shall inquire if the person wishes to initiate
 19 participation in the program by agreeing to have
 20 identifying information reported to the department on
 21 a confidential basis.

22 2. Within seven days of diagnosing a person as
 23 having an AIDS-related condition, the diagnosing
 24 physician shall make a report to the Iowa department
 25 of public health on a form provided by the department.

26 3. Within seven days of the death of a person
 27 resulting from an AIDS-related condition, the
 28 attending physician shall make a report to the Iowa
 29 department of public health on a form provided by the
 30 department."

31 21. Page 7, line 34, by striking the words
 32 "Immediately after" and inserting the following:
 33 "Within seven days of".

34 22. Page 8, line 5, by striking the words
 35 "Immediately after" and inserting the following:
 36 "Within seven days of".

37 23. Page 8, line 30, by striking the figure
 38 "135H.10" and inserting the following: "135H.9".

39 24. Page 10, line 31, by striking the word
 40 "subsection" and inserting the following:
 41 "subsections".

42 25. Page 11, by striking lines 1 through 4 and
 43 inserting the following: "services and receives funds
 44 to complete a minimum of two hours of training
 45 concerning acquired immune deficiency syndrome-related
 46 conditions through a program approved by the
 47 department. The rules shall require that new
 48 employees complete the training within six months of
 49 initial employment.

50 NEW SUBSECTION. 23. Adopt rules which require all

1 emergency medical services personnel, firefighters,
 2 and law enforcement personnel to complete a minimum of
 3 two hours of training concerning acquired immune
 4 deficiency syndrome-related conditions and the
 5 prevention of human immunodeficiency virus infection."

By COMMITTEE ON HUMAN RESOURCES

Adopted as amended by 5/23/83 1147 FEY of Scott, Chairperson

SENATE FILE 2157

H-5903

1 Amend the amendment, H-5869, to Senate File 2157 as
2 amended, passed, and reprinted by the Senate as
3 follows:

4 1. Page 3, line 49, by inserting after the word
5 "employment" the following: "and existing employees
6 complete the training on or before January 1, 1989".

By HAMMOND of Story
PETERS of Woodbury

H-5903 FILED MARCH 25, 1988

Adopted 3/25/88

HOUSE AMENDMENT TO
SENATE FILE 2157

5708

1 Amend Senate File 2157 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 1 through 23 and
4 inserting the following:

5 "Section 1. ACQUIRED IMMUNE DEFICIENCY SYNDROME-
6 RELATED CONDITIONS -- FINDINGS.

7 The general assembly finds and declares that
8 acquired immune deficiency syndrome (AIDS)-related
9 conditions present a significant challenge to the
10 nation and to this state. The nation and this state
11 are presented with the challenge of compensating
12 society for the loss of many young, productive
13 citizens. The state is also challenged with
14 protecting the public health while maintaining
15 individual liberties.

16 Iowans will experience the impact of AIDS-related
17 conditions for some time and expect the establishment
18 of a proactive, effective policy based upon reason and
19 medical evidence, not a reactive, ineffective policy
20 based upon fear and prejudice.

21 An effective, comprehensive policy includes many
22 elements. The general assembly finds and declares
23 that the state comprehensive plan for the prevention
24 of and intervention in AIDS-related conditions
25 includes the following elements: public and
26 professional health education; testing and counseling,
27 including contact counseling; and the increased
28 availability of public information. Other elements,
29 including protection of individual rights,
30 confidentiality, and provision of care, are parts of a
31 comprehensive approach to prevention of and
32 intervention in AIDS-related conditions."

33 2. Page 1, line 24, by striking the figure
34 "135H.2" and inserting the following: "135H.1".

35 3. Page 1, by striking line 27 and inserting the
36 following: "state comprehensive acquired immune
37 deficiency syndrome (AIDS)-related conditions
38 prevention and intervention plan. As used in this
39 chapter, "acquired immune deficiency syndrome-related
40 conditions" or "AIDS-related conditions" means human
41 immunodeficiency virus, acquired immune deficiency
42 syndrome, acquired immune deficiency syndrome-related
43 complex, or any other condition resulting from the
44 human immunodeficiency virus infection."

45 4. Page 1, by striking lines 28 through 30 and
46 inserting the following:

47 "Sec. . NEW SECTION. 135H.2 COMPREHENSIVE
48 ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)-RELATED
49 CONDITIONS PREVENTION AND INTERVENTION PLAN."

50 5. Page 2, line 9, by striking the figure

S-5708 Page 2

1 "135H.4" and inserting the following: "135H.3".

2 6. Page 2, by striking lines 15 through 21 and
3 inserting the following: "AIDS-related education."

4 7. Page 2, line 22, by striking the word "AIDS"
5 and inserting the following: "AIDS-related".

6 8. Page 2, line 23, by striking the words "all
7 of".

8 9. By striking page 2, line 24 through page 3,
9 line 23, and inserting the following:

10 "a. Pertinent AIDS-related conditions information
11 directed toward individuals who are at risk for an
12 AIDS-related condition.

13 "b. Pertinent AIDS-related conditions information
14 directed toward all providers of health care.

15 "c. Pertinent AIDS-related conditions information
16 directed toward the general public."

17 10. Page 3, line 24, by striking the figure
18 "135H.5" and inserting the following: "135H.4".

19 11. Page 4, line 3, by striking the figure
20 "135H.6" and inserting the following: "135H.5".

21 12. Page 4, by striking lines 12 through 14 and
22 inserting the following:

23 "1. The conducting of informational campaigns
24 designed to increase the understanding of AIDS-related
25 conditions in all segments of the population to
26 alleviate unfounded fear and anxiety."

27 13. Page 4, line 19, by striking the word and
28 figure "135H.7 PILOT" and inserting the following:
29 "135H.6".

30 14. Page 4, line 23, by striking the word
31 "project" and inserting the following: "program".

32 15. Page 4, by striking lines 28 through 33 and
33 inserting the following: "sexually transmitted
34 disease clinics."

35 16. Page 4, line 34, by striking the words "pilot
36 project" and inserting the following: "program".

37 17. Page 5, line 30, by striking the word and
38 figure "135H.8 CERTIFICATION" and inserting the
39 following: "135H.7 ACCREDITATION".

40 18. Page 6, line 17, by striking the word
41 "certification" and inserting the following:
42 "accreditation".

43 19. Page 6, line 21, by inserting after the word
44 "testing." the following: "The rules shall provide
45 for acceptance of accreditation programs which are in
46 conformance with the standards established by the
47 rules."

48 20. Page 7, by striking lines 4 through 33 and
49 inserting the following:

50 "Sec. ____ . NEW SECTION. 135H.8 ACQUIRED IMMUNE

S-5708 Page 3

1 DEFICIENCY SYNDROME (AIDS)-RELATED CONDITIONS --
2 SCREENING, TESTING, AND REPORTING.

3 1. Prior to withdrawing blood for the purpose of
4 performing a human immunodeficiency virus-related
5 test, the physician or other practitioner shall inform
6 the subject of the test that the test is voluntary and
7 may be performed anonymously if requested. Within
8 seven days after the testing of a person with a test
9 result indicating human immunodeficiency virus
10 infection which has been confirmed as positive
11 according to prevailing medical technology, the
12 physician or other practitioner at whose request the
13 test was performed shall make a report to the Iowa
14 department of public health on a form provided by the
15 department. Prior to making the required report, the
16 physician or other practitioner shall provide written
17 information regarding the partner notification program
18 and shall inquire if the person wishes to initiate
19 participation in the program by agreeing to have
20 identifying information reported to the department on
21 a confidential basis.

22 2. Within seven days of diagnosing a person as
23 having an AIDS-related condition, the diagnosing
24 physician shall make a report to the Iowa department
25 of public health on a form provided by the department.

26 3. Within seven days of the death of a person
27 resulting from an AIDS-related condition, the
28 attending physician shall make a report to the Iowa
29 department of public health on a form provided by the
30 department."

31 21. Page 7, line 34, by striking the words
32 "Immediately after" and inserting the following:
33 "Within seven days of".

34 22. Page 8, line 5, by striking the words
35 "Immediately after" and inserting the following:
36 "Within seven days of".

37 23. Page 8, line 30, by striking the figure
38 "135H.10" and inserting the following: "135H.9".

39 24. Page 10, line 31, by striking the word
40 "subsection" and inserting the following:
41 "subsections".

42 25. Page 11, by striking lines 1 through 4 and
43 inserting the following: "services and receives funds
44 to complete a minimum of two hours of training
45 concerning acquired immune deficiency syndrome-related
46 conditions through a program approved by the
47 department. The rules shall require that new
48 employees complete the training within six months of
49 initial employment and existing employees complete the
50 training on or before January 1, 1989.

SENATE 9
APRIL 4, 1988

S-5708 Page 4

1 NEW SUBSECTION. 23. Adopt rules which require all
2 emergency medical services personnel, firefighters,
3 and law enforcement personnel to complete a minimum of
4 two hours of training concerning acquired immune
5 deficiency syndrome-related conditions and the
6 prevention of human immunodeficiency virus infection."

S-5708

Filed March 31, 1988

Senate concurred 4/5/88

RECEIVED FROM THE HOUSE

SSB 2042
Human Resource

SSB 2042

HUMAN RESOURCES: Sturgeon, Chair; Hannon and Readinger

Nant

SENATE FILE 2157
BY (PROPOSED AIDS TASK FORCE
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a comprehensive acquired immune deficiency
2 syndrome (AIDS) prevention and intervention plan.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 135H.1 ACQUIRED IMMUNE DE-
2 FICIENCY SYNDROME -- FINDINGS.

3 The general assembly finds and declares that acquired
4 immune deficiency syndrome (AIDS) presents a significant
5 challenge to the nation and to this state. The nation and
6 this state are presented with the challenge of compensating
7 society for the loss of many young, productive citizens. The
8 state is also challenged with protecting the public health
9 while maintaining individual liberties.

10 Iowans will experience the impact of AIDS for some time and
11 expect the establishment of a proactive, effective policy
12 based upon reason and medical evidence, not a reactive,
13 ineffective policy based upon fear and prejudice.

14 An effective, comprehensive policy includes many elements.
15 The general assembly finds and declares that the state com-
16 prehensive plan for the prevention of and intervention in the
17 disease of AIDS includes the following elements: public and
18 professional health education; testing and counseling, includ-
19 ing contact counseling; and the increased availability of
20 public information. Other elements, including protection of
21 individual rights, confidentiality, and provision of care, are
22 parts of a comprehensive approach to AIDS prevention and
23 intervention.

24 Sec. 2. NEW SECTION. 135H.2 LEAD AGENCY.

25 The Iowa department of public health is designated as the
26 lead agency in the coordination and implementation of the
27 state comprehensive AIDS prevention and intervention plan.

28 Sec. 3. NEW SECTION. 135H.3 COMPREHENSIVE ACQUIRED
29 IMMUNE DEFICIENCY SYNDROME (AIDS) PREVENTION AND INTERVENTION
30 PLAN.

31 1. The Iowa department of public health shall implement
32 the various components of the comprehensive AIDS prevention
33 and intervention plan in accordance with the following
34 prioritized schedule:

35 a. Public and professional health education.

- 1 b. Testing and counseling.
- 2 c. Contact counseling.
- 3 d. Public information.

4 2. All federal and state moneys appropriated to the Iowa
5 department of public health for AIDS-related activities shall
6 be allocated in accordance with the prioritized schedule, and
7 grants shall be awarded to the maximum extent feasible to
8 community-based organizations.

9 Sec. 4. NEW SECTION. 135H.4 PUBLIC AND PROFESSIONAL
10 EDUCATION.

11 1. The Iowa department of public health shall, in co-
12 operation with the department of education and other agencies,
13 organizations, coalitions, and local health departments,
14 develop and implement a program of public and professional
15 AIDS education. In developing and implementing the program,
16 the Iowa department of public health shall:

17 a. Specify the basic elements of information about AIDS to
18 be communicated.

19 b. Recruit, train, and evaluate individuals for participa-
20 tion in AIDS coalitions and speakers bureaus in order to
21 deliver educational information to specific audiences.

22 2. The program of public and professional AIDS education
23 shall include all of the following components:

24 a. Pertinent AIDS information directed toward individuals
25 who are at risk for AIDS. Many people with risk factors for
26 AIDS misunderstand their personal risk or deny risk in spite
27 of targeted educational campaigns. The focus of services at
28 the personal level is to provide education tailored to an
29 individual. An individual may be at increased risk for
30 contracting the human immunodeficiency virus infection because
31 of the individual's sexual or drug abusing behaviors or
32 because the individual maintains a concealed lifestyle,
33 unreachable by community organizations or AIDS service groups.

34 The Iowa department of public health shall include within
35 this component the establishment of risk reduction AIDS edu-

1 cation programs for persons receiving services in residential
2 and methadone substance abuse treatment centers.

3 b. Pertinent AIDS information directed toward all pro-
4 viders of health care, including the following: providers who
5 are concerned about the disease and request information,
6 health professionals who serve persons with AIDS or those with
7 human immunodeficiency virus infection, and those providers
8 who need specific education about AIDS in the workplace
9 because their practice or duties involve possible human
10 immunodeficiency virus exposure.

11 This component shall include the distribution of informa-
12 tion to hospice, respite care, and home-health care providers,
13 and staff development programs for personnel in substance
14 abuse program centers.

15 c. Pertinent AIDS information directed toward selected
16 groups of the population, including but not limited to,
17 minorities and school and college age students. Messages
18 directed at these groups shall be individually designed for
19 the specific population.

20 d. Pertinent AIDS information directed toward the general
21 public. The general public needs AIDS information to increase
22 its understanding of the problem and to eliminate fear and
23 anxiety.

24 Sec. 5. NEW SECTION. 135H.5 TESTING AND COUNSELING.

25 Testing and counseling shall be offered to the following:

26 1. All persons seeking treatment for a sexually trans-
27 mitted disease.

28 2. All persons seeking treatment for intravenous drug
29 abuse or having a history of intravenous drug abuse.

30 3. All persons who consider themselves at risk for the
31 human immunodeficiency virus infection.

32 4. Male and female prostitutes.

33 Counseling and testing shall be provided at alternative
34 testing and counseling sites and at sexually transmitted
35 disease clinics. The Iowa department of public health shall

1 assist local boards of health in the development of programs
2 which provide free anonymous testing to the public.

3 Sec. 6. NEW SECTION. 135H.6 PUBLIC INFORMATION CAM-
4 PAIGNS.

5 The Iowa department of public health shall develop, in
6 cooperation with other agencies, organizations, coalitions,
7 and local health departments, through incorporation of the
8 efforts of print, wire, and air media, public information
9 campaigns to increase the distribution of information to the
10 public. Public information campaign activities shall include
11 the following:

12 1. The conducting of informational campaigns designed to
13 increase the awareness of AIDS in all segments of the
14 population.

15 2. The stimulation of individual and community actions to
16 develop AIDS public service activities.

17 3. The encouragement of the use of AIDS public service
18 announcements.

19 Sec. 7. CONTACT COUNSELING PILOT PROJECT.

20 1. The Iowa department of public health shall implement,
21 as a part of the comprehensive AIDS prevention and interven-
22 tion plan, a contact counseling project for persons known to
23 have tested positive for the human immunodeficiency virus
24 infection, beginning September 1, 1988.

25 2. The Iowa department of public health shall initiate the
26 program at alternative testing and counseling sites and at
27 sexually transmitted disease clinics in the county with the
28 highest prevalence of confirmed cases of acquired immune
29 deficiency syndrome (AIDS).

30 3. The Iowa department of public health shall report the
31 results of the pilot project to the general assembly on or
32 before January 1, 1989.

33 4. In administering the pilot project, the Iowa department
34 of public health shall provide for the following:

35 a. A person who tests positive for the human immuno-

1 deficiency virus infection shall receive posttest counseling,
2 during which time the person shall be encouraged on a strictly
3 confidential basis to refer for counseling and human
4 immunodeficiency virus testing any person with whom the person
5 has had sexual relations or has shared intravenous equipment.

6 b. If, following counseling, a person who tests positive
7 for the human immunodeficiency virus infection chooses to dis-
8 close the identity of any sexual partners or persons with whom
9 the person has shared intravenous equipment, the physician or
10 health practitioner attending the person shall obtain written
11 consent which acknowledges that the person is making the dis-
12 closure voluntarily.

13 c. The physician or health practitioner attending the
14 person shall forward any written consent forms to the Iowa
15 department of public health.

16 5. The Iowa department of public health shall alert the
17 sexual partners or the persons with whom the person has shared
18 intravenous equipment about their exposure, without disclosing
19 any identifying information about the person making the dis-
20 closure, and shall refer any person to whom a disclosure is
21 made to an alternative testing and counseling site or sexually
22 transmitted disease clinic where the person may obtain
23 testing.

24 6. The Iowa department of public health shall maintain the
25 voluntary nature of the project and shall maintain the
26 confidentiality of the identity and testing status of the
27 person making the contact disclosure and the identities of the
28 persons contacted.

29 EXPLANATION

30 This bill establishes a comprehensive acquired immune
31 deficiency syndrome (AIDS) prevention and intervention plan.
32 The plan includes provisions in a prioritized schedule for
33 public and professional health education, testing and
34 counseling, contact counseling, and a public information
35 campaign. The Iowa department of public health is designated

1 as the lead agency and is required to allocate state and
2 federal funds received in accordance with the prioritized
3 schedule. The bill also establishes a pilot project for
4 contact counseling as a part of the plan.

5 COMPANION TO LSB 7570IS

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SENATE FILE 2157

AN ACT

RELATING TO A COMPREHENSIVE ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) PREVENTION AND INTERVENTION PLAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. ACQUIRED IMMUNE DEFICIENCY SYNDROME-RELATED CONDITIONS -- FINDINGS.

The general assembly finds and declares that acquired immune deficiency syndrome (AIDS)-related conditions present a significant challenge to the nation and to this state. The nation and this state are presented with the challenge of compensating society for the loss of many young, productive citizens. The state is also challenged with protecting the public health while maintaining individual liberties.

Iowans will experience the impact of AIDS-related conditions for some time and expect the establishment of a proactive, effective policy based upon reason and medical evidence, not a reactive, ineffective policy based upon fear and prejudice.

An effective, comprehensive policy includes many elements. The general assembly finds and declares that the state comprehensive plan for the prevention of and intervention in AIDS-related conditions includes the following elements: public and professional health education; testing and counseling, including contact counseling; and the increased availability of public information. Other elements, including

protection of individual rights, confidentiality, and provision of care, are parts of a comprehensive approach to prevention of and intervention in AIDS-related conditions.

Sec. 2. NEW SECTION. 135H.1 LEAD AGENCY.

The Iowa department of public health is designated as the lead agency in the coordination and implementation of the state comprehensive acquired immune deficiency syndrome (AIDS)-related conditions prevention and intervention plan. As used in this chapter, "acquired immune deficiency syndrome-related conditions" or "AIDS-related conditions" means human immunodeficiency virus, acquired immune deficiency syndrome, acquired immune deficiency syndrome-related complex, or any other condition resulting from the human immunodeficiency virus infection.

Sec. 3. NEW SECTION. 135H.2 COMPREHENSIVE ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)-RELATED CONDITIONS PREVENTION AND INTERVENTION PLAN.

1. The Iowa department of public health shall implement the various components of the comprehensive AIDS prevention and intervention plan in accordance with the following prioritized schedule:

- a. Public and professional health education.
- b. Testing and counseling.
- c. Contact counseling.
- d. Public information.

2. All federal and state moneys appropriated to the Iowa department of public health for AIDS-related activities shall be allocated in accordance with the prioritized schedule, and grants shall be awarded to the maximum extent feasible to community-based organizations.

Sec. 4. NEW SECTION. 135H.3 PUBLIC AND PROFESSIONAL EDUCATION.

1. The Iowa department of public health shall, in cooperation with the department of education and other agencies, organizations, coalitions, and local health departments,

develop and implement a program of public and professional AIDS-related education.

2. The program of public and professional AIDS-related education shall include the following components:

a. Pertinent AIDS-related conditions information directed toward individuals who are at risk for an AIDS-related condition.

b. Pertinent AIDS-related conditions information directed toward all providers of health care.

c. Pertinent AIDS-related conditions information directed toward the general public.

Sec. 5. NEW SECTION. 135H.4 TESTING AND COUNSELING.

Testing and counseling shall be offered to the following:

1. All persons seeking treatment for a sexually transmitted disease.

2. All persons seeking treatment for intravenous drug abuse or having a history of intravenous drug abuse.

3. All persons who consider themselves at risk for the human immunodeficiency virus infection.

4. Male and female prostitutes.

Counseling and testing shall be provided at alternative testing and counseling sites and at sexually transmitted disease clinics. The Iowa department of public health shall assist local boards of health in the development of programs which provide free anonymous testing to the public.

Sec. 6. NEW SECTION. 135H.5 PUBLIC INFORMATION CAMPAIGNS.

The Iowa department of public health shall develop, in cooperation with other agencies, organizations, coalitions, and local health departments, through incorporation of the efforts of print, wire, and air media, public information campaigns to increase the distribution of information to the public. Public information campaign activities shall include the following:

1. The conducting of informational campaigns designed to increase the understanding of AIDS-related conditions in all segments of the population to alleviate unfounded fear and anxiety.

2. The stimulation of individual and community actions to develop AIDS public service activities.

3. The encouragement of the use of AIDS public service announcements.

Sec. 7. NEW SECTION. 135H.6 PARTNER NOTIFICATION PROGRAM - HUMAN IMMUNODEFICIENCY VIRUS (HIV).

1. The Iowa department of public health shall implement, as a part of the comprehensive AIDS prevention and intervention plan, a partner notification program for persons known to have tested positive for the human immunodeficiency virus infection, beginning September 1, 1988.

2. The Iowa department of public health shall initiate the program at alternative testing and counseling sites and at sexually transmitted disease clinics.

3. In administering the program, the Iowa department of public health shall provide for the following:

a. A person who tests positive for the human immunodeficiency virus infection shall receive posttest counseling, during which time the person shall be encouraged on a strictly confidential basis to refer for counseling and human immunodeficiency virus testing any person with whom the person has had sexual relations or has shared intravenous equipment.

b. If, following counseling, a person who tests positive for the human immunodeficiency virus infection chooses to disclose the identity of any sexual partners or persons with whom the person has shared intravenous equipment, the physician or health practitioner attending the person shall obtain written consent which acknowledges that the person is making the disclosure voluntarily.

c. The physician or health practitioner attending the person shall forward any written consent forms to the Iowa department of public health.

4. In making contact the Iowa department of public health shall not disclose the identity of the person who provided the names of the persons to be contacted and shall protect the confidentiality of persons contacted.

5. The Iowa department of public health may delegate its partner notification duties under this section to local health authorities unless the local authority refuses or neglects to conduct the contact tracing program in a manner deemed to be effective by the Iowa department of public health.

6. A person who violates a confidentiality requirement of subsection 1, 2, 3, 4, or 5 is guilty of a class "D" felony.

Sec. 8. NEW SECTION. 135H.7 ACCREDITATION OF HUMAN IMMUNODEFICIENCY VIRUS TESTING LABORATORIES.

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

a. "Clinical laboratory" means a facility for the microbiological, serological, chemical, hematological, radiobioassay, cytological, immunohematological, pathological or other examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or assessment of a medical condition.

b. "Blood bank" means a facility for the collection, processing, or storage of human blood or blood derivatives, or from which or by means of which human blood or blood derivatives are distributed or otherwise made available.

c. "Laboratory" includes a clinical laboratory and a blood bank.

2. Beginning July 1, 1988, human immunodeficiency virus screening and confirmatory testing shall be performed only by laboratories certified on an annual basis pursuant to this section.

3. The director of public health shall adopt rules establishing standards for the accreditation of laboratories to perform human immunodeficiency virus screening and confirmatory testing. The rules shall include but are not limited to standards relating to proficiency testing, record maintenance, adequate staffing, and confirmatory testing. The rules shall provide for acceptance of accreditation programs which are in conformance with the standards established by the rules.

4. The Iowa department of public health shall provide application forms for certification of a laboratory. The director shall prescribe by rule the information to be included on the application form.

5. A laboratory shall not be certified unless the laboratory meets all standards established by the Iowa department of public health.

6. The Iowa department of public health may conduct periodic inspections of laboratory facilities, methods, procedures, materials, staff, and equipment for compliance with the standards established pursuant to this section. The department may delegate this authority to the state hygienic laboratory.

7. A laboratory's certification may be revoked, suspended, or limited, if at any time the laboratory is found to be in violation of any of the standards adopted by the department pursuant to this section.

Sec. 9. NEW SECTION. 135H.8 ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)-RELATED CONDITIONS -- SCREENING, TESTING, AND REPORTING.

1. Prior to withdrawing blood for the purpose of performing a human immunodeficiency virus-related test, the physician or other practitioner shall inform the subject of the test that the test is voluntary and may be performed anonymously if requested. Within seven days after the testing of a person with a test result indicating human

immunodeficiency virus infection which has been confirmed as positive according to prevailing medical technology, the physician or other practitioner at whose request the test was performed shall make a report to the Iowa department of public health on a form provided by the department. Prior to making the required report, the physician or other practitioner shall provide written information regarding the partner notification program and shall inquire if the person wishes to initiate participation in the program by agreeing to have identifying information reported to the department on a confidential basis.

2. Within seven days of diagnosing a person as having an AIDS-related condition, the diagnosing physician shall make a report to the Iowa department of public health 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 Iowa department of public health on a form provided by the department.

4. Within seven days of the testing of a person with a test result indicating human immunodeficiency virus infection which has been confirmed as positive according to prevailing medical technology, the director of a blood plasma center or blood bank shall make a report to the Iowa department of public health on a form provided by the department.

5. Within seven days of the testing of a person with a test result indicating human immunodeficiency virus infection which has been confirmed as positive according to prevailing medical technology, the director of a clinical laboratory shall make a report to the Iowa department of public health stating the person's name or a confidential form of identification known only to the physician or other health practitioner requesting the test and the name and address of the physician or other health care practitioner requesting the test.

6. The forms provided by the department pursuant to subsections 2 and 3 shall contain the name, date of birth, sex, and address of the subject of the report and the name and address of the physician or other person making the report. The forms provided by the department pursuant to subsections 1, 4, and 5 may include the subject's age, race, marital status, or other information deemed necessary by the department for epidemiological purposes, but shall not include the subject's name or address without the written authorization of the subject.

The subject shall be provided with information regarding the confidentiality measures followed by the department and may request that the department maintain the subject's confidential file for the purposes of partner notification, or for the inclusion of the subject in research or treatment programs.

Sec. 10. NEW SECTION. 135H.9 DUTIES OF PUBLIC HEALTH OFFICIALS.

1. State and local health officers shall investigate sources of human immunodeficiency virus infection and shall use every appropriate means to prevent the spread of the disease.

2. The Iowa department of public health shall do all of the following:

a. Provide consultation to agencies and organizations regarding appropriate policies for testing, education, confidentiality, and infection control.

b. Conduct health information programs for the public relating to human immunodeficiency virus infection, including information about how the infection is transmitted and can be prevented. The department shall prepare, for free distribution, printed information relating to human immunodeficiency virus infection and prevention.

c. Provide educational programs concerning human immunodeficiency virus infection in the workplace.

d. Develop and implement human immunodeficiency virus education risk-reduction programs for specific populations at high risk for infection.

e. In cooperation with the department of education, develop and update a medically correct acquired immune deficiency syndrome prevention curriculum for use at the discretion of secondary and middle schools.

School districts shall provide every elementary and secondary school student, with parental consent, education concerning human immunodeficiency virus infection and acquired immune deficiency syndrome and its prevention.

Sec. 11. NEW SECTION. 135H.10 CONFIDENTIAL REPORTS AND IMMUNITIES.

1. Reports, information, and records submitted and maintained pursuant to this chapter are strictly confidential medical information. The information shall not be released, shared with an agency or institution, or made public upon subpoena, search warrant, discovery proceedings, or by any other means except under any of the following circumstances:

a. Release may be made of medical or epidemiological information for statistical purposes in a manner such that no individual person can be identified.

b. Release may be made of medical or epidemiological information to the extent necessary to enforce the provisions of this chapter and related rules concerning the treatment, control, and investigation of human immunodeficiency virus infection by public health officials.

c. Release may be made of medical or epidemiological information to medical personnel in a medical emergency to the extent necessary to protect the health or life of the named party.

2. An officer or employee of the state or local department of health or a person making a report pursuant to this chapter shall not be examined in any judicial, executive, legislative, or other proceeding as to the existence or content of an individual report made pursuant to this chapter.

3. Reports, information, and records which contain the identity of persons except reports, information, and records necessary to honor the requests made pursuant to section 135H.8 shall be destroyed immediately after the extraction of statistical data and completion of contact identification or in no event longer than six months from the date the report, information, or record was received.

4. A person making a report in good faith pursuant to this chapter is immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of the report.

5. For purposes of this section, "good faith" means objectively reasonable, and not in violation of clearly established statutory rights or other rights of a person which a reasonable person would know or should have known.

Sec. 12. Section 135.11, Code Supplement 1987, is amended by adding the following new subsections:

NEW SUBSECTION. 22. Adopt rules which require personnel of a licensed hospice, of a homemaker-home health aide provider agency which receives state homemaker-home health aide funds, or of an agency which provides respite care services and receives funds to complete a minimum of two hours of training concerning acquired immune deficiency syndrome-related conditions through a program approved by the department. The rules shall require that new employees complete the training within six months of initial employment and existing employees complete the training on or before January 1, 1989.

NEW SUBSECTION. 23. Adopt rules which require all emergency medical services personnel, firefighters, and law enforcement personnel to complete a minimum of two hours of training concerning acquired immune deficiency syndrome-related conditions and the prevention of human immunodeficiency virus infection.

Sec. 13. WAIVER PROCESS INITIATION.

The department of human services shall initiate the application process in order to obtain a waiver from the health care financing administration of the United States department of health and human services for the provision of alternative services to persons with acquired immune deficiency syndrome or a related condition.

Sec. 14. Sections 139.41 and 139.42, Code Supplement 1987, are repealed.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2157, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 12, 1988

TERRY E. BRANSTAD
Governor