

Reprinted

MAR 26 1991

HOUSE FILE 655
BY COMMITTEE ON HUMAN RESOURCES

Place On Calendar

(SUCCESSOR TO HF 228)

Passed House, Date 4/3/91 (p. 10.29) Passed Senate, Date 4/17/91 ^(p. 1306)
Vote: Ayes 98 Nays 0 Vote: Ayes 43 Nays 7
Approved May 9, 1991

A BILL FOR

1 An Act relating to emergency care providers who are exposed to
2 contagious or infectious diseases, and making penalties
3 applicable.

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

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HF 655

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

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

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

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

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

21 (1) A basic emergency care provider as defined in section
22 147.1.

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

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

26 (4) A fire fighter.

27 (5) A peace officer.

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

30 d. "Exposure" means the risk of contracting disease.

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

35 2. a. A hospital licensed under chapter 135B shall have

1 written policies and procedures for notification of an
2 emergency care provider who renders assistance or treatment to
3 an individual when in the course of admission, care, or
4 treatment of the individual the individual is diagnosed or is
5 confirmed as having a contagious or infectious disease.

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

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

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

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

35 f. The department shall adopt rules pursuant to chapter

1 17A to implement this subsection.

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

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

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

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

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

32 141.22A EMERGENCY CARE PROVIDER NOTIFICATION.

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

35 a. "Emergency care provider" means a person who is trained

1 and authorized by federal or state law to provide emergency
2 medical assistance or treatment, for compensation or in a
3 voluntary capacity, including but not limited to all of the
4 following:

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

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

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

10 (4) A fire fighter.

11 (5) A peace officer.

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

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

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

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

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

30 2. A hospital licensed under chapter 135B shall provide
31 notification to an emergency care provider who renders
32 assistance or treatment to an individual, following submission
33 of a significant exposure report by the emergency care
34 provider to the hospital and a diagnosis or confirmation by
35 the attending physician that the individual has HIV infection.

1 and determination that the exposure reported was a significant
2 exposure as defined pursuant to this section. The
3 notification shall advise the emergency care provider of
4 possible exposure to HIV infection. Notification shall be
5 made in accordance with the following:

6 a. The hospital informs the individual of the submission
7 of a significant exposure report.

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

11 c. The individual denies consent for or consent is not
12 reasonably obtainable for serological testing, and the
13 hospital learns in the course of admission, care, and
14 treatment of the individual that the individual is diagnosed
15 or is confirmed as having HIV infection.

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

26 4. A person who renders direct emergency aid without
27 compensation who is exposed to an individual who has HIV
28 infection shall receive notification directly from the
29 hospital in accordance with the procedures established
30 pursuant to subsection 1. The hospital, upon request of the
31 individual, shall inform the individual of the parties to whom
32 notification was made.

33 5. The process for notification under this section shall
34 be initiated as soon as is reasonably possible consistent with
35 the centers for disease control of the United States

1 department of health and human services protocols for HIV
2 prophylaxis.

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

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

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

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

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31 10. An emergency care provider who intentionally or
32 recklessly makes an unauthorized disclosure under this
33 section, is subject to a civil penalty of one thousand
34 dollars. The attorney general or the attorney general's
35 designee may maintain a civil action to enforce this section.

1 Proceedings maintained under this section shall provide for
2 the anonymity of the individual and all documentation shall be
3 maintained in a confidential manner.

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

9 12. Notwithstanding subsection 2, if, following discharge
10 or completion of care or treatment, an individual, for whom a
11 significant exposure report was submitted but which report did
12 not result in notification, wishes to provide information
13 regarding the individual's HIV infection status to the
14 emergency care provider who submitted the report, the hospital
15 shall provide a procedure for notifying the emergency care
16 provider.

17 13. The employer of an emergency care provider shall pay
18 the costs of HIV testing and counseling the individual and the
19 emergency care provider. However, the department shall pay
20 the costs of HIV testing and counseling for an emergency care
21 provider who is a person who renders direct emergency aid
22 without compensation.

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

26 15. The department shall adopt rules pursuant to chapter
27 17A to implement this section.

28 EXPLANATION

29 This bill establishes procedures for notification of
30 persons, who have provided emergency medical care, of
31 exposures to contagious or infectious disease arising from
32 that care. Separate procedures for contagious and infectious
33 diseases which are not HIV-related and those which are HIV-
34 related are established in a new chapter, tentatively numbered
35 130B, and in the chapter relating to acquired immune

1 deficiency syndrome. Provisions for patient confidentiality
2 are included and rulemaking authority is provided to the Iowa
3 department of public health.

4 The bill also provides civil penalties for violation of the
5 notification provisions which are HIV-related.

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HOUSE FILE 655
FISCAL NOTE

A fiscal note for House File 655 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 655 establishes procedures for the notification of persons who have provided emergency medical care, of exposures to contagious or infectious disease associated with that care. The bill requires patient confidentiality and reimbursement for HIV testing of emergency care providers.

ASSUMPTIONS:

1. There are approximately 9,600 exposures to individuals with infectious diseases by emergency medical care providers per year. Of these exposures, approximately 1,200 individuals would not be covered by an employer for reimbursement and, therefore, be the responsibility of the Department of Public Health.
2. Testing, following exposure, involves 4 tests. Each test costs approximately \$20.

ANNUAL EFFECT:

The estimated annual fiscal effect of House File 655 is \$96,000.

Source: Department of Public Health

(LSB 1491hv, RRS)

FILED MARCH 27, 1991

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 655
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 228)

(As Amended and Passed by the House April 3, 1991)

Passed House, Date 4/3/91 (p 1039) Passed Senate, Date 4/17/91 (p 1306)
Vote: Ayes 97 Nays 0 Vote: Ayes 43 Nays 7
Approved May 9, 1991 (p. 2325)

A BILL FOR

1 An Act relating to emergency care providers who are exposed to
2 contagious or infectious diseases, and making penalties
3 applicable.

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

HOUSE FILE 655

S-3434

1 Amend House File 655, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 7, line 27, by striking the figure "11"
4 and inserting the following: "13".

By AL STURGEON

S-3434 FILED APRIL 16, 1991

4/15 4/17/91 (p. 1306)

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

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

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

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

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

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

24 (1) A basic emergency care provider as defined in section
25 147.1.

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

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

29 (4) A fire fighter.

30 (5) A peace officer.

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

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

34 f. "Health care provider" means a person licensed or
35 certified under chapter 148, 148C, 150, 150A, 152, or 153 to

1 provide professional health care service to a person during
2 the person's medical care, treatment, or confinement.

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

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

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

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

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

1 the contagious or infectious disease unless the individual
2 consents.

3 f. The department shall adopt rules pursuant to chapter
4 17A to implement this subsection.

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

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

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

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

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

35 141.22A EMERGENCY CARE PROVIDER NOTIFICATION.

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

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

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

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

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

13 (4) A fire fighter.

14 (5) A peace officer.

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

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

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

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

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

33 2. A hospital licensed under chapter 135B shall provide
34 notification to an emergency care provider who renders
35 assistance or treatment to an individual, following submission

1 of a significant exposure report by the emergency care
2 provider to the hospital and a diagnosis or confirmation by
3 the attending physician that the individual has HIV infection,
4 and determination that the exposure reported was a significant
5 exposure as defined pursuant to this section. The
6 notification shall advise the emergency care provider of
7 possible exposure to HIV infection. Notification shall be
8 made in accordance with both of the following:

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

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

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

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

31 4. A person who renders direct emergency aid without
32 compensation who is exposed to an individual who has HIV
33 infection shall receive notification directly from the
34 hospital in accordance with the procedures established
35 pursuant to subsection 2. The hospital, upon request of the

1 individual, shall inform the individual of the persons to whom
2 notification was made.

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

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

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

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

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

1 10. Notifications made pursuant to this section shall not
2 disclose the identity of the individual who is diagnosed or
3 confirmed as having HIV infection unless the individual
4 provides a specific written release as provided in section
5 141.23, subsection 1, paragraph "a".

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

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

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

3434 27 14. Notwithstanding subsection 11, if, following discharge
28 or completion of care or treatment, an individual, for whom a
29 significant exposure report was submitted but which report did
30 not result in notification, wishes to provide information
31 regarding the individual's HIV infection status to the
32 emergency care provider who submitted the report, the hospital
33 shall provide a procedure for notifying the emergency care
34 provider.

35 15. The employer of an emergency care provider who submits

1 a significant exposure report under this section shall pay the
2 costs of HIV testing and counseling for the individual and the
3 emergency care provider. However, the department shall pay
4 the costs of HIV testing and counseling for an emergency care
5 provider who is a person who renders direct emergency aid
6 without compensation.

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

10 17. The department shall adopt rules pursuant to chapter
11 17A to implement this section.

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HOUSE FILE 655

H-3398

1 Amend House File 655 as follows:

2 1. Page 6, line 31, by striking the word "or" and
3 inserting the following: "and".

By KREMER of Buchanan
JESSE of Jasper

H-3398 FILED MARCH 28, 1991

w/d +/s

HOUSE FILE 655

H-3462

- 1 Amend House File 655 as follows:
2 1. Page 1, by inserting after line 15 the
3 following:
4 "_____. "Designated officer" means a person who is
5 designated by a department, agency, division, or
6 service organization to act as an infection control
7 liaison officer."
8 2. Page 2, line 16, by inserting after the word
9 "service" the following: "or law enforcement agency".
10 3. Page 5, line 5, by inserting after the word
11 "with" the following: "both of".
12 4. Page 5, line 6, by inserting after the word
13 "individual" the following: "when the individual's
14 condition permits,".
15 5. Page 5, by striking lines 11 through 15 and
16 inserting the following:
17 "Notwithstanding paragraphs "a" and "b"
18 notification shall be made when the individual denies
19 consent for or consent is not reasonably obtainable
20 for serological testing, and in the course of
21 admission, care, and treatment of the individual, the
22 individual is diagnosed or is confirmed as having HIV
23 infection."
24 6. Page 6, by inserting after line 30, the
25 following:
26 "_____. Notifications made pursuant to this section
27 shall not disclose the identity of the individual who
28 is diagnosed or confirmed as having HIV infection
29 unless the individual provides a specific written
30 release as provided in section 141.23, subsection 1,
31 paragraph "a".
32 _____. If notification is made under this section,
33 and discloses the identity of the individual who is
34 diagnosed or confirmed as having HIV infection, or
35 otherwise allows the emergency care provider to
36 determine the identity of the individual, the identity
37 of the individual shall be confidential information
38 and shall not be disclosed by the emergency care
39 provider to any other person unless a specific written
40 release is obtained from the individual."
41 7. Page 7, line 9, by striking the word and
42 figure "subsection 2" and inserting the following:
43 "subsection 11".
44 8. Page 7, by striking lines 17 and 18 and
45 inserting the following:
46 "_____. The employer of an emergency care provider
47 who submits a significant exposure report under this
48 section shall pay the costs of HIV testing and
49 counseling for the individual and the".

By JESSE of Jasper

H-3462 FILED APRIL 2, 1991

(Adopted 4/2 4:12:34)

HOUSE FILE 655

AN ACT
RELATING TO EMERGENCY CARE PROVIDERS WHO ARE EXPOSED TO
CONTAGIOUS OR INFECTIOUS DISEASES, AND MAKING PENALTIES
APPLICABLE.

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

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

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

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

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

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

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

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

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

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

(4) A fire fighter.

(5) A peace officer.

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

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

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

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

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

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

d. The notification shall advise the emergency care
provider of possible exposure to a particular contagious or

infectious disease and recommend that the provider seek medical attention. The notification shall be provided as soon as is reasonably possible following determination that the individual has a contagious or infectious disease.

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

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

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

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

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

6. A hospital's or health care provider's duty of notification under this section is not continuing but is limited to a diagnosis of a contagious or infectious disease

made in the course of admission, care, and treatment following the rendering of emergency assistance or treatment to which notification under this section applies.

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

141.22A EMERGENCY CARE PROVIDER NOTIFICATION.

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

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

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

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

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

(4) A fire fighter.

(5) A peace officer.

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

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

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

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

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

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

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

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

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

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

4. A person who renders direct emergency aid without compensation who is exposed to an individual who has HIV infection shall receive notification directly from the hospital in accordance with the procedures established

pursuant to subsection 2. The hospital, upon request of the individual, shall inform the individual of the persons to whom notification was made.

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

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

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

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

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

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

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

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

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

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

15. The employer of an emergency care provider who submits a significant exposure report under this section shall pay the costs of HIV testing and counseling for the individual and the

emergency care provider. However, the department shall pay the costs of HIV testing and counseling for an emergency care provider who is a person who renders direct emergency aid without compensation.

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

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

ROBERT C. ARNOULD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 655, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 9, 1991

TERRY E. BRANSTAD
Governor