

MAR 6 1997

HUMAN RESOURCES

HOUSE FILE 505
BY MARTIN

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

A BILL FOR

1 An Act relating to the testing of certain individuals for
2 contagious or infectious disease, providing for notification
3 of exposure to the contagious or infectious disease, and
4 providing penalties.

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

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HF 505

1 Section 1. Section 139B.1, subsection 2, paragraphs a and
2 b, Code 1997, are amended to read as follows:

3 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~~ and files an exposure report if either
7 of the following applies:

8 (1) In the course of admission, care, or treatment of the
9 individual, the individual is diagnosed or is confirmed as
10 having a contagious or infectious disease.

11 (2) The emergency care provider submits a request with the
12 exposure report that the individual submit to testing, the
13 individual agrees and submits to testing, and the individual
14 is diagnosed or is confirmed as having a contagious or
15 infectious disease.

16 b. If an individual is diagnosed or confirmed as having a
17 contagious or infectious disease, the hospital shall notify
18 the designated officer of an emergency care provider service
19 who shall notify persons involved in attending or transporting
20 the individual. ~~Per-blood-borne-contagious-or-infectious~~
21 ~~diseases, notification~~ Notification shall only take place upon
22 filing of an exposure report form with the hospital. The
23 exposure report form may be incorporated into the Iowa
24 prehospital care report, the Iowa prehospital advanced care
25 report, or a similar report used by an ambulance, rescue, or
26 first response service or law enforcement agency.

27 Sec. 2. Section 139B.1, subsection 6, Code 1997, is
28 amended to read as follows:

29 6. A hospital's or health care provider's duty of
30 notification under this section is not continuing but is
31 limited to a diagnosis of a contagious or infectious disease
32 made in the course of admission, care, and treatment or
33 following submission to testing by an individual upon request
34 of an emergency care provider following the rendering of
35 emergency assistance or treatment to which notification under

1 this section applies.

2 Sec. 3. NEW SECTION. 804.32 REQUIRED TEST.

3 1. A person who, during the course of arrest or processing
4 for detention in jail for an alleged commission of a criminal
5 offense, or while interfering with a peace officer's official
6 acts, bites, causes an exchange of bodily fluids with, or
7 causes any bodily secretion to be cast upon a peace officer,
8 may submit to the withdrawal of a bodily specimen for testing
9 to determine if the person is infected with a contagious or
10 infectious disease. The bodily specimen to be taken shall be
11 determined by the attending physician treating the person or
12 the county medical examiner. The specimen taken shall be sent
13 for testing to the state hygienic laboratory at the state
14 university of Iowa or some other laboratory approved by the
15 Iowa department of public health.

16 2. If a person to be tested pursuant to this section
17 refuses to submit to the withdrawal of a bodily specimen,
18 application may be made by the peace officer involved or by
19 the peace officer's designated representative to the district
20 court for an order compelling the person to submit to the
21 withdrawal and, if infected, to available treatment. An order
22 authorizing the withdrawal of a specimen for testing may be
23 issued only by a district judge or district associate judge
24 upon application.

25 3. A person who fails to comply with an order issued
26 pursuant to this section is guilty of a serious misdemeanor.

27 4. Following testing, the peace officer or the peace
28 officer's designated representative shall be notified of
29 possible exposure to a particular contagious or infectious
30 disease. The notification shall not include the name of the
31 person with the contagious or infectious disease unless the
32 person consents. Disclosure shall be accompanied by a
33 statement in writing which includes the following or
34 substantially similar language: "This information has been
35 disclosed to you from records whose confidentiality is

1 protected by state law. State law prohibits you from making
2 any further disclosure of the information without the specific
3 written consent of the person to whom it pertains, or as
4 otherwise permitted by law. A general authorization for the
5 release of medical or other information is not sufficient for
6 this purpose." Oral disclosure, including oral communication
7 of this statement, may be provided to the peace officer or the
8 peace officer's designated representative but shall be
9 followed by the mailing of this written statement within ten
10 days of the oral disclosure.

11 5. Reports, application information, and records filed
12 pursuant to this section are strictly confidential medical
13 information and shall not be released, shared, or made public
14 by subpoena, search warrant, or discovery proceedings.

15 6. For purposes of this section, "contagious or infectious
16 disease" mean any infectious condition which if spread by
17 contamination would place others at serious health risk
18 including but not limited to hepatitis in any form,
19 meningococcal disease, tuberculosis, or AIDS or HIV infection
20 as defined in section 141.21.

21 EXPLANATION

22 This bill provides for the voluntary testing of an
23 individual following a request for testing by an emergency
24 care provider, and notification to the emergency care provider
25 if exposure, or the risk of contracting disease, took place.

26 The bill also provides that a person who, during the course
27 of arrest or processing for detention in jail for an alleged
28 commission of a criminal offense or while interfering with a
29 peace officer's official acts bit, caused an exchange of
30 bodily fluids with the peace officer, or caused a bodily
31 secretion to be cast upon the peace officer, may submit to
32 testing to determine if the person has a contagious or
33 infectious disease. If the person refuses to submit to
34 testing, the peace officer involved or the peace officer's
35 representative may apply to the district court for an order

1 compelling the person to submit to testing. A person who does
2 not comply with an order is guilty of a serious misdemeanor.
3 The bill also provides confidentiality provisions relating to
4 the testing and the results of the test.

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