



**House  
Legislative  
Analysis  
Section**

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**HEALTH CARE: HIV TESTING**

House Bill 5062  
Sponsor: Rep. David Jaye  
Committee: Public Health

Complete to 8-14-91

**A SUMMARY OF HOUSE BILL 5062 AS INTRODUCED 8-1-91**

The bill would amend the Public Health Code to require that under certain circumstances patients and health professionals undergo testing for human immunodeficiency virus (HIV) and to set penalties for those who fail to do so.

Health care providers. The bill would require health providers licensed under the Public Health Code to be tested at six-month intervals for HIV and for hepatitis B if the provider might have come into contact with the body fluids of a patient during surgery ("an invasive procedure beneath the skin or surgery inside the mouth"). If the test result were positive, the provider would be required to:

- \* immediately notify the health department of the provider's positive status,
- \* provide the department with a list of patients treated by the provider during the preceding two years who might have been exposed to his or her body fluids;
- \* immediately stop doing procedures that required direct physical contact with patients until approved by the Department of Public Health;
- \* give prior written notification to any proposed surgical patient of the provider's positive HIV (or hepatitis B) status; and
- \* refrain from all (except emergency) surgery unless the provider had the results of the proposed patient's HIV (and hepatitis B) status.

Patients. Except for emergencies, patients who sought surgery ("an invasive medical procedure beneath the skin or surgery inside the mouth") would have to submit to testing for HIV and hepatitis B. If a patient had (or had tested positive for) HIV (or hepatitis B), he or she would have to tell his or her health care provider.

Department of Public Health. The bill would require that when the Department of Public Health received notification from an HIV- or hepatitis B-positive provider it notify the provider's patients of their possible exposure and offer the patients free testing.

Penalties. Patients who failed to be tested before surgery or who failed to notify their health provider of their positive status would be subject to a minimum civil fine of \$10,000. Health providers who failed to comply with the bill's requirements would be subject to having their licenses revoked and a minimum fine of \$10,000.

Tie-bar. The bill would not be enacted unless House Bill 5061, which would prohibit limitation of health insurance coverage for AIDS or hepatitis B, were enacted.

House Bill 5062 (8-14-91)