

HOUSE BILL No. 6023

May 16, 2018, Introduced by Rep. Hertel and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 5114 (MCL 333.5114), as amended by 2004 PA 514.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5114. (1) Except as otherwise provided in this section, a
2 person or governmental entity that obtains from a test subject a
3 **CONFIRMATORY DIAGNOSTIC** test result that indicates that the test
4 subject is HIV infected or from a test subject who has already been
5 diagnosed as HIV infected a **CLINICAL** test result **FOR MEDICAL**
6 **MONITORING** ordered to evaluate immune system status, to quantify
7 HIV levels, or to diagnose acquired immunodeficiency syndrome
8 shall, within ~~7 days after obtaining a diagnostic test result or,~~

1 ~~for a nondiagnostic test result, within a time frame as determined~~
2 by the department, report to the appropriate local health
3 department or, if requested by the local health department, to the
4 department on a form provided by the department or through
5 electronic methods approved by the department all of the following
6 information, if available:

7 (a) The name and address of the person or governmental entity
8 that submits the report.

9 (b) The name, address, and telephone number of the health care
10 provider who diagnosed the test subject or who ordered the test.

11 (c) The name, date of birth, race, sex, address, and telephone
12 number of the test subject.

13 (d) The date on which the specimen was collected for testing.

14 (e) The type of test performed.

15 (f) The test result.

16 (g) If known, whether or not the test subject has tested
17 positive for the presence of HIV or an antibody to HIV on a
18 previous occasion.

19 (h) The probable method of transmission.

20 (i) The purpose of the test.

21 (j) Any other medical or epidemiological information
22 considered necessary by the department for the surveillance,
23 control, and prevention of HIV infections, **AS DESCRIBED IN RULES**
24 **PROMULGATED BY THE DEPARTMENT.** ~~Information added by the department~~
25 ~~under this subdivision shall be promulgated as rules.~~

26 (2) An individual who undergoes a test for HIV or an antibody
27 to HIV in a physician's private practice office or the office of a

1 physician employed by or under contract to a health maintenance
2 organization or who submits a specimen for either of those tests to
3 that physician may request that the report made by the physician
4 under this section not include the name, address, and telephone
5 number of the test subject. Except as otherwise provided in section
6 5114a, if such a request is made under this subsection, the
7 physician shall comply with the request and submit the specimen to
8 the laboratory without the name, address, or telephone number of
9 the test subject.

10 ~~—— (3) A local health department shall not maintain a roster of~~
11 ~~names obtained under this section, but shall maintain individual~~
12 ~~case files that are encoded to protect the identities of the~~
13 ~~individual test subjects.~~

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.