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## ER WORKERS: HIV NOTIFICATION

House Bill 4348

Sponsor: Rep. Jan Dolan

Committee: Public Health

Complete to 5-9-94

### A SUMMARY OF HOUSE BILL 4348 AS INTRODUCED 2-24-93

Currently, under one section of the Public Health Code, patients in a health facility can be tested for HIV without their prior written informed consent if, upon admission to the facility, they were informed that an HIV test could be done without their written consent whenever a worker in the health facility was exposed to the patient's blood or other body fluids through the worker's skin, mucous membranes, or an open wound. However, under another section of the health code the only way police officers, fire fighters, and emergency medical workers who help or bring an emergency patient to a health facility can find out if the emergency patient is HIV-positive is if, in the course of treatment in the health facility, the emergency patient is tested for the presence of an infectious agent and the police officer, fire fighter, or licensed emergency medical worker submits a written request to the health facility regarding the emergency patient's HIV status.

The bill would allow a third exemption to the written consent required of patients in health facilities before they were tested for HIV: if the emergency patient had been informed, upon admission to the facility, that an HIV test might be done without the patient's written consent and if an HIV test was requested by an emergency medical worker (including police officers and fire fighters) who had been exposed (through the skin, mucous membranes, or an open wound) to the emergency patient's blood or other body fluids.

More specifically, the bill would allow anyone (a) who either helped an emergency patient who later was taken to a health facility or who took an emergency patient to a health facility and (b) who was exposed to the emergency patient's blood or other body fluids (sustained "a percutaneous, mucous membrane, or open wound exposure") to request that the emergency patient be tested for HIV. Those who could make such requests would include, but would not be restricted to, police officers, fire fighters, and licensed emergency medical workers (that is, medical first responders, emergency medical technicians, emergency medical technician specialists, or paramedics). The request for HIV testing of an emergency patient would have to be made in writing (on a form provided by the Department of Public Health) before the patient was discharged from the health facility, and would have to include at least the requestor's name and address and a description of the exposure. If the health facility determined that the exposure was through the skin, mucous membrane, or an open wound, it would order a test for HIV or hepatitis B ("HBV"), and could charge the person requesting the test for the test costs.

The bill also would exempt health facilities where HIV testing was from lawsuits based on failure to obtain informed consent if the person tested for HIV had signed a

House Bill 4348 (5-9-94)

written consent form for the test. (Currently, the code only protects physicians who order such tests with patients' written informed consent.)

MCL 333.5133 and 333.20191