

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 52 be amended to read as follows:

- 1 Page 3, after line 19, begin a new paragraph and insert:
2 "SECTION 2. IC 16-41-6-8, AS AMENDED BY P.L.112-2011,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2012]: Sec. 8. (a) This section applies to a physician or an
5 advanced practice nurse who orders an HIV test under section 5 or 6 of
6 this chapter or to the physician's or nurse's designee.
7 (b) An individual described in subsection (a) shall:
8 (1) inform the pregnant woman that:
9 (A) the individual is required by law to order an HIV test
10 unless the pregnant woman refuses; and
11 (B) the pregnant woman has a right to refuse the test; and
12 (2) explain to the pregnant woman:
13 (A) the purpose of the test; and
14 (B) the risks and benefits of the test.
15 (c) An individual described in subsection (a) shall document in the
16 pregnant woman's medical records that the pregnant woman received
17 the information required under subsection (b).
18 (d) If a pregnant woman refuses to consent to an HIV test, the
19 refusal must be noted by an individual described in subsection (a) in
20 the pregnant woman's medical records.
21 (e) If a test ordered under section 5 or 6 of this chapter is positive,
22 an individual described in subsection (a):
23 (1) shall inform the pregnant woman of the test results;
24 (2) shall inform the pregnant woman of the treatment options or

- 1 referral options available to the pregnant woman; and
- 2 (3) shall:
 - 3 (A) provide the pregnant woman with a description of the
 - 4 methods of HIV transmission;
 - 5 (B) discuss risk reduction behavior modifications with the
 - 6 pregnant woman, including methods to reduce the risk of
 - 7 perinatal HIV transmission and HIV transmission through
 - 8 breast milk; and
 - 9 (C) provide the pregnant woman with referral information to
 - 10 other HIV prevention, health care, and psychosocial services.
 - 11 (f) The provisions of IC 16-41-2-3 apply to a positive HIV test under
 - 12 section 5 or 6 of this chapter.
 - 13 (g) The results of a test performed under section 5 or 6 of this
 - 14 chapter are confidential.
 - 15 (h) As a routine component of prenatal care, every individual
 - 16 described in subsection (a) is required to provide information and
 - 17 counseling regarding HIV and the standard licensed diagnostic test for
 - 18 HIV and to offer and recommend the standard licensed diagnostic test
 - 19 for HIV.
 - 20 (i) ~~An individual described in subsection (a) shall document:~~
 - 21 ~~(1) the oral or written consent of the pregnant woman to be tested;~~
 - 22 ~~and~~
 - 23 ~~(2) that the pregnant woman was counseled and provided the~~
 - 24 ~~required information set forth in subsection (b) to ensure that an~~
 - 25 ~~informed decision has been made.~~
 - 26 (j) ~~A pregnant woman who refuses a test under this section must do~~
 - 27 ~~so in writing."~~
 - 28 Renumber all SECTIONS consecutively.
 - (Reference is to ESB 52 as printed February 10, 2012.)

Representative Brown C