

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 52, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 4, delete "Unless".
- 2 Page 1, delete line 5.
- 3 Page 1, line 6, delete "IC 16-36-1-2) refuses in writing to have".
- 4 Page 1, line 6, strike "a screening or confirmatory".
- 5 Page 1, line 7, strike "test for the antibody or antigen to HIV".
- 6 Page 1, line 9, delete "performed, a physician may perform the".
- 7 Page 1, line 10, delete "screening or test. The".
- 8 Page 1, line 10, strike "physician ordering the test or the
- 9 physician's".
- 10 Page 1, strike line 11.
- 11 Page 1, line 12, strike "has".
- 12 Page 1, line 15, delete "refused." and insert "**As used in this**
- 13 **section, "physician's authorized representative" means an**
- 14 **individual who is acting:**
- 15 **(1) under the supervision of a licensed physician; and**
- 16 **(2) within the individual's scope of employment.**
- 17 **(b) If a physician or the physician's authorized representative**
- 18 **determines that it is medically necessary to conduct an HIV test on**
- 19 **an individual under the care of a physician, the physician or**
- 20 **physician's authorized representative may order the test if the**
- 21 **physician or the physician's authorized representative:**

- 1 **(1) informs the patient of the test;**
 2 **(2) provides an explanation of the test; and**
 3 **(3) informs the patient of the patient's right to refuse the test.**

4 **Subject to subsection (d), if the patient refuses the test, the**
 5 **physician or the physician's authorized representative may not**
 6 **perform the test and shall document the patient's refusal in the**
 7 **patient's medical record.**

8 **(c) After ordering an HIV test for a patient, the physician or the**
 9 **physician's authorized representative shall:**

- 10 **(1) discuss with the patient the availability of counseling**
 11 **concerning the test results; and**
 12 **(2) notify the patient of the test results.**

13 **If a test conducted under this section indicates that a patient is HIV**
 14 **infected, in addition to the requirements set forth in IC 16-41-2, the**
 15 **physician or the physician's authorized representative shall inform**
 16 **the patient of treatment and referral options available to the**
 17 **patient.**

18 **(d) A physician or a physician's authorized representative may**
 19 **order a HIV test to be performed without informing the patient or**
 20 **the patient's representative (as defined in IC 16-36-1-2) of the test**
 21 **or regardless of the patient or the representative of the patient's**
 22 **refusal of the HIV test if any of the following conditions apply:".**

23 Page 1, line 16, strike "(b)".

24 Page 1, line 16, delete "If one (1) of the following conditions exists,
 25 a".

26 Page 1, line 16, strike "test for the".

27 Page 1, line 17, strike "antibody or antigen to HIV may be
 28 performed".

29 Page 2, line 1, delete "regardless of the individual's written".

30 Page 2, delete line 2.

31 Page 2, line 3, after "physician" insert ",".

32 Page 2, line 3, strike "who has obtained a health care".

33 Page 2, line 4, strike "under IC 16-36-1 or".

34 Page 2, line 4, strike "implied consent".

35 Page 2, line 4, after "implied consent under" insert "**can be implied**
 36 **due to**".

37 Page 2, line 4, reset in roman "emergency".

38 Page 2, line 5, reset in roman "circumstances".

39 Page 2, after line 20, begin a new line block indented and insert:

40 **"(8) Both of the following are met:**

41 **(A) The individual is not capable of providing consent and**
 42 **an authorized representative of the individual is not**

1 **immediately available to provide consent or refusal of the**
2 **test.**

3 **(B) A health care provider acting within the scope of the**
4 **health care provider's employment comes into contact with**
5 **the blood or body fluids of an individual in a manner that**
6 **has been epidemiologically demonstrated to transmit HIV.**

7 **(e) The state department shall make HIV testing and treatment**
8 **information from the federal Centers for Disease Control and**
9 **Prevention available to health care providers.**

10 **(f) The state department may adopt rules under IC 4-22-2**
11 **necessary to implement this section."**

(Reference is to SB 52 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 0.

Senator Miller, Chairperson