



**House
Legislative
Analysis
Section**

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**HEALTH PROFESSIONALS: PERIODIC
AIDS TESTING**

House Bill 4309

Sponsor: Rep. David Jaye

Committee: Regulatory Affairs

Complete to 2-14-96

A SUMMARY OF HOUSE BILL 4309 AS INTRODUCED 2-7-95

The bill would amend the Public Health Code to require that health professionals performing invasive medical procedures beneath the skin or surgery within the mouth, and the individuals undergoing the procedure, be tested for HIV and hepatitis B infection. The bill would also establish penalties for violations of the bill. House Bill 4309 is tie-barred to House Bill 4460, which would amend the Insurance Code to prohibit insurance companies from issuing disability policies that exclude, limit, or reduce coverage for HIV or hepatitis B infection.

In particular, the bill would do the following:

* Except for emergencies, the bill would require that a person be tested for HIV and hepatitis B infection before undergoing an invasive medical procedure beneath the skin or surgery within the mouth. If the person was capable of communicating, he or she would be required to disclose a diagnosis of acquired immunodeficiency syndrome, or an HIV or hepatitis B infection, before receiving services from a health care professional. For purposes of this provision, a "health care professional" would be defined as a person licensed under Article 15 of the code, but would exclude a sanitarian or a veterinarian. A person violating the bill would be subject to a civil fine of up to \$10,000.

* The bill would require a licensee who comes in contact with other people's body fluid, beginning 30 days after the effective date of the bill, to take certain actions. (A "licensee" would be defined as a person licensed under Article 15 of the code, which would include people licensed to practice nursing, optometry, pharmacy, podiatric medicine, dentistry, chiropractic, counseling, marriage and family therapy, medicine, osteopathic medicine, physical therapy, psychology, and veterinary medicine.) Licensees would have to:

-- Submit to a Department of Health (DPH)-approved HIV test and hepatitis B virus test at six-month intervals.

-- Provide the DPH immediately with any positive test results along with a list of patients that the licensee had performed procedures on within the preceding 24 months that involved a possible exposure to body fluids.

-- Upon a positive test result, immediately refrain from performing procedures governed by the act that required direct physical contact with a patient until receiving DPH approval.

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-- Except for an emergency, not perform invasive procedures or oral surgery unless the patient has undergone testing for HIV and hepatitis B infection and the licensee has received the results.

* The bill would require the DPH to send to each patient of the health care professional who tested positive a notice, within 10 days of receiving the list of patients, containing the following:

-- A statement specifying that person's possible exposure to the identified virus.

-- Information regarding the availability of a test, at no cost, to determine if that person had been infected with a virus that he or she had been exposed to.

-- The name, address, and telephone number of the person, agency, or department that can provide further information and scheduling of tests.

* The bill would require the DPH, upon request, to provide to a patient identified as having been exposed to HIV or hepatitis B infection the applicable test at no cost to the person being tested.

* The bill would allow the disciplinary subcommittee of the DPH to administer sanctions, including license revocation or a fine, to a licensee for violations of the bill.

(Note: Executive Order No. 1996 - 1 merged administrative functions of the Departments of Public Health and Mental Health into the Department of Community Health and renamed the Department of Public Health as the Community Public Health Agency. The Executive Order will take effect April 1, 1996.)

MCL 333.16221 et al.

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.