

**ASSEMBLY BILL**

**No. 521**

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**Introduced by Assembly Member Nazarian**

February 23, 2015

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An act to amend Section 120991 of the Health and Safety Code, relating to HIV testing.

LEGISLATIVE COUNSEL'S DIGEST

AB 521, as introduced, Nazarian. HIV testing.

Existing law requires that every patient who has blood drawn at a primary care clinic, as defined, and who has consented to the test to be offered an HIV test, consistent with the United States Preventive Services Task Force recommendations for screening, specify the manner in which the results of that test are provided.

This bill would, additionally, apply those provisions to a general acute care hospital.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 120991 of the Health and Safety Code
- 2 is amended to read:
- 3 120991. (a) Each patient who has blood drawn at a primary
- 4 care clinic *or hospital emergency department* and who has
- 5 consented to the HIV test pursuant to Section 120990 shall be
- 6 offered an HIV test. The primary care *or hospital emergency*
- 7 *department* clinician shall offer an HIV test consistent with the
- 8 United States Preventive Services Task Force recommendation

1 for screening HIV infection. This subdivision shall not apply if  
2 the primary care clinic *or hospital emergency department* has  
3 tested the patient for HIV or if the patient has been offered the  
4 HIV test and declined the test within the previous 12 months. Any  
5 subsequent testing of a patient who has been tested by the primary  
6 care clinic *or hospital emergency department* shall be consistent  
7 with the most recent guidelines issued by the United States  
8 Preventive Services Task Force.

9 (b) HIV testing of minors 12 years of age or older shall comply  
10 with Section 6926 of the Family Code.

11 (c) This section shall not prohibit a primary care clinic *or*  
12 *hospital emergency department* from charging a patient to cover  
13 the cost of HIV testing. The primary care clinic *or hospital*  
14 *emergency department* shall be deemed to have complied with this  
15 section if an HIV test is offered.

16 (d) A primary care clinic *or hospital emergency department*  
17 shall attempt to provide test results to the patient before he or she  
18 leaves the facility. If that is not possible, the facility may inform  
19 the patient who tests negative for HIV by letter or by telephone,  
20 and shall inform a patient with a positive test result in a manner  
21 consistent with state law. However, in any case, the primary care  
22 clinic *or hospital emergency department* shall comply with  
23 subdivision (g) of Section 120990.

24 (e) For purposes of this section, “primary care clinic” means a  
25 primary care clinic as defined in subdivision (a) of Section 1204  
26 or subdivision (g), (h), or (j) of Section 1206.

27 (f) For purposes of this section, “hospital” means a general  
28 acute care hospital as defined in subdivision (a) of Section 1250.