

AMENDED IN ASSEMBLY APRIL 14, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 521

Introduced by Assembly Member Nazarian

February 23, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 521, as amended, 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~~; *test that is consistent with the United States Preventive Services Task Force recommendations for screening, specify screening for HIV infection. Existing law specifies* the manner in which the results of that test are provided.

This bill would, additionally, apply those provisions to a general acute care hospital. *The bill would authorize a hospital emergency department to comply with certain requirements to provide information, counseling, and advice to a patient after the results of an HIV test have been received by providing the patient with printed material that includes that information and advice.*

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:

1 120991. (a) Each patient who has blood drawn at a primary
2 care clinic or hospital emergency department and who has
3 consented to the HIV test pursuant to Section 120990 shall be
4 offered an HIV test. The primary care or hospital emergency
5 department clinician shall offer an HIV test consistent with the
6 United States Preventive Services Task Force recommendation
7 for screening HIV infection. This subdivision shall not apply if
8 the primary care clinic or hospital emergency department has tested
9 the patient for HIV or if the patient has been offered the HIV test
10 and declined the test within the previous 12 months. Any
11 subsequent testing of a patient who has been tested by the primary
12 care clinic or hospital emergency department shall be consistent
13 with the most recent guidelines issued by the United States
14 Preventive Services Task Force.

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

17 (c) This section shall not prohibit a primary care clinic or
18 hospital emergency department from charging a patient to cover
19 the cost of HIV testing. The primary care clinic or hospital
20 emergency department shall be deemed to have complied with this
21 section if an HIV test is offered.

22 (d) A primary care clinic or hospital emergency department
23 shall attempt to provide test results to the patient before he or she
24 leaves the facility. If that is not possible, the facility may inform
25 the patient who tests negative for HIV by letter or by telephone,
26 and shall inform a patient with a positive test result in a manner
27 consistent with state law. However, in any case, the primary care
28 clinic or hospital emergency department shall comply with
29 subdivision ~~(g)~~ (h) of Section 120990. *A hospital emergency*
30 *department is deemed to be in compliance with subdivision (h) of*
31 *Section 120990 if the hospital emergency department provides*
32 *printed material to the patient that includes the information and*
33 *advice described in that subdivision.*

34 (e) For purposes of this section, ~~primary care~~ *the following*
35 *terms have the following meanings:*

36 (1) *“Hospital” means a general acute care hospital as defined*
37 *in subdivision (a) of Section 1250.*

38 (2) *“Primary care clinic” means a primary care clinic as defined*
39 *in subdivision (a) of Section 1204 or subdivision (g), (h), or (j) of*
40 *Section 1206.*

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

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