

AMENDED IN ASSEMBLY JUNE 2, 2015

AMENDED IN ASSEMBLY APRIL 23, 2015

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 that is consistent with the United States Preventive Services Task Force recommendations for 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 patient who has been admitted 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.~~ *hospital after having blood drawn at the hospital emergency department.* The bill would exempt a hospital emergency department from the testing requirements if the personnel in the emergency department determine

that the person is being treated for a life-threatening emergency or if the person lacks the capacity to consent to an HIV test.

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~~ *A patient who either has blood drawn*
 4 *at a primary care clinic or who has been admitted to a hospital*
 5 *after having blood drawn at the hospital emergency department*
 6 *department, and who has consented to the HIV test pursuant to*
 7 *Section 120990 shall be offered an HIV test. The primary care or*
 8 *hospital emergency department clinician shall offer an HIV test*
 9 *consistent with the United States Preventive Services Task Force*
 10 *recommendation for screening HIV infection. This subdivision*
 11 *shall not apply if the primary care clinic or hospital emergency*
 12 *department has tested the patient for HIV or if the patient has been*
 13 *offered the HIV test and declined the test within the previous 12*
 14 *months. Any subsequent testing of a patient who has been tested*
 15 *by the primary care clinic or hospital emergency department shall*
 16 *be consistent with the most recent guidelines issued by the United*
 17 *States Preventive Services Task Force.*
 18 (b) HIV testing of minors 12 years of age or older shall comply
 19 with Section 6926 of the Family Code.
 20 (c) This section shall not prohibit a primary care clinic or
 21 hospital emergency department from charging a patient to cover
 22 the cost of HIV testing. The primary care clinic or hospital
 23 emergency department shall be deemed to have complied with this
 24 section if an HIV test is offered.
 25 (d) A primary care clinic or hospital emergency department
 26 shall attempt to provide test results to the patient before he or she
 27 leaves the facility. If that is not possible, the facility may inform
 28 the patient who tests negative for HIV by letter or by telephone,
 29 and shall inform a patient with a positive test result in a manner
 30 consistent with state law. However, in any case, the primary care
 31 clinic or hospital emergency department shall comply with
 32 subdivision (h) of Section 120990. ~~A hospital emergency~~
 33 ~~department is deemed to be in compliance with subdivision (h) of~~

1 ~~Section 120990 if the hospital emergency department provides~~
2 ~~printed material to the patient that includes the information and~~
3 ~~advice described in that subdivision.~~

4 (e) A hospital emergency department shall not be required to
5 comply with this section if medical personnel in the emergency
6 department determine that the person is being treated for a
7 life-threatening emergency or if they determine that the person
8 lacks the capacity to consent to an HIV test.

9 (f) For purposes of this section, the following terms have the
10 following meanings:

11 (1) "Hospital" means a general acute care hospital as defined
12 in subdivision (a) of Section 1250.

13 (2) "Primary care clinic" means a primary care clinic as defined
14 in subdivision (a) of Section 1204 or subdivision (g), (h), or (j) of
15 Section 1206.