

AMENDED IN SENATE JUNE 19, 2015

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**

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

1 ~~department determine that the person is being treated for a~~  
2 ~~life-threatening emergency or if they determine that the person~~  
3 ~~lacks the capacity to consent to an HIV test.~~

4 (f)

5 (e) For purposes of this section, the following terms have the  
6 following meanings:

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

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

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