

AMENDED IN SENATE JUNE 29, 2015

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

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

- 1 (1) “Hospital” means a general acute care hospital as defined
- 2 in subdivision (a) of Section 1250.
- 3 (2) “Primary care clinic” means a primary care clinic as defined
- 4 in subdivision (a) of Section 1204 or subdivision (g), (h), or (j) of
- 5 Section 1206.

O