

AMENDED IN SENATE SEPTEMBER 4, 2015

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 after being admitted to the hospital. The bill would specify that the emergency department is not responsible for offering the HIV test. *The bill would authorize a*

hospital to offer the HIV test at any time during the patient’s admission. The bill would specify that these provisions do not prohibit a patient’s health plan from applying any patient cost share or other limitation that is authorized by law and included in the contract between the plan and the patient.

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 after being
 6 admitted to the ~~hospital~~, *hospital*, and who has consented to the
 7 HIV test pursuant to Section 120990, shall be offered an HIV test.
 8 The emergency department shall not be responsible for offering
 9 an HIV test. *A hospital may offer an HIV test at any time during*
 10 *the patient’s admission to the hospital.* The primary care or hospital
 11 clinician shall offer an HIV test consistent with the United States
 12 Preventive Services Task Force recommendation for screening
 13 HIV infection. This subdivision shall not apply if the primary care
 14 clinic or hospital has tested the patient for HIV or if the patient
 15 has been offered the HIV test and declined the test within the
 16 previous 12 months. Any subsequent testing of a patient who has
 17 been tested by the primary care clinic or hospital shall be consistent
 18 with the most recent guidelines issued by the United States
 19 Preventive Services Task 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 patient’s health plan from*
 23 *applying any patient cost share or other limitation that is allowed*
 24 *by law and included in the contract between the plan and the*
 25 *patient.* This section shall not prohibit a primary care clinic or
 26 hospital from charging a patient to cover the cost of HIV testing.
 27 The primary care clinic or hospital shall be deemed to have
 28 complied with this section if an HIV test is offered.
 29 (d) A primary care clinic or hospital shall attempt to provide
 30 test results to the patient before he or she leaves the facility. If that

1 is not possible, the facility may inform the patient who tests
2 negative for HIV by letter or by telephone, and shall inform a
3 patient with a positive test result in a manner consistent with state
4 law. However, in any case, the primary care clinic or hospital shall
5 comply with subdivision (h) of Section 120990.

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

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

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