

Assembly Bill No. 521

Passed the Assembly September 11, 2015

Chief Clerk of the Assembly

Passed the Senate September 10, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL’S DIGEST

AB 521, 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.

The people of the State of California do enact as follows:

SECTION 1. Section 120991 of the Health and Safety Code is amended to read:

120991. (a) A patient who either has blood drawn at a primary care clinic or who has been admitted as an inpatient to a hospital through the emergency department and has blood drawn after being admitted to the hospital, and who has consented to the HIV test pursuant to Section 120990, shall be offered an HIV test. The emergency department shall not be responsible for offering an HIV test. A hospital may offer an HIV test at any time during the patient’s admission to the hospital. The primary care or hospital clinician shall offer an HIV test consistent with the United States

Preventive Services Task Force recommendation for screening HIV infection. This subdivision shall not apply if the primary care clinic or hospital has tested the patient for HIV or if the patient has been offered the HIV test and declined the test within the previous 12 months. Any subsequent testing of a patient who has been tested by the primary care clinic or hospital shall be consistent with the most recent guidelines issued by the United States Preventive Services Task Force.

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

(c) This section shall not prohibit a patient's health plan from applying any patient cost share or other limitation that is allowed by law and included in the contract between the plan and the patient. This section shall not prohibit a primary care clinic or hospital from charging a patient to cover the cost of HIV testing. The primary care clinic or hospital shall be deemed to have complied with this section if an HIV test is offered.

(d) A primary care clinic or hospital shall attempt to provide test results to the patient before he or she leaves the facility. If that is not possible, the facility may inform the patient who tests negative for HIV by letter or by telephone, and shall inform a patient with a positive test result in a manner consistent with state law. However, in any case, the primary care clinic or hospital shall comply with subdivision (h) of Section 120990.

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

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

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

Approved _____, 2015

Governor