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HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 1314, L.D. 1970, “An Act to Amend the Laws Regarding Consent for HIV Testing and Disclosure of Related Medical Information for Insurance Purposes”

Amend the bill in section 1 in §19203-A in the headnote (page 1, line 4 in L.D.) by striking out the following: **"informed"** and inserting the following: **'informed'**

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 5 MRSA §19203-A, sub-§1, as amended by PL 2007, c. 93, §1, is further amended to read:

1. Individual Patient tested; informed consent. Except as provided in this section and section 19203, subsections 4 and 5, an HIV test must be voluntary and undertaken only with a patient's knowledge and understanding that an HIV test is planned informed consent. A patient must be informed orally or in writing that an HIV test will be performed unless the patient declines. Oral or written information required to be given to a patient under this subsection must include an explanation of what an HIV infection involves and the meaning of positive and negative test results. A patient must be provided the opportunity to ask questions, either orally or in writing. Informed consent is not required for repeated HIV testing by health care providers to monitor the course of established infection.

A. If a patient declines an HIV test, the health care provider shall document that decision in the patient's medical record.

B. The consent of a minor patient's parent or legal guardian is not required to perform an HIV test on the minor patient under this subsection.

C. Oral or written information must be given to a patient and must include an explanation of what an HIV infection involves and the meaning of positive and negative test results. A patient must be provided the opportunity to ask questions, either orally or in writing.

D. Results of an HIV test performed pursuant to this subsection must be provided to the health care provider that ordered the HIV test.'

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
2 number to read consecutively.

3 **SUMMARY**

4 This amendment clarifies that patients must provide informed consent on a voluntary
5 basis for an HIV test.