

HOUSE BILL No. 5326

January 27, 1988, Introduced by Reps. Stacey, Pridnia, O'Connor and
Law and referred to the Committee on Public Health.

A bill to amend Act No. 368 of the Public Acts of 1978,
entitled as amended
"Public health code,"
as amended, being sections 333.1101 to 333.25211 of the Michigan
Compiled Laws, by adding section 20192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding section 20192 to read as
4 follows:

5 SEC. 20192. (1) IF AN EMERGENCY PATIENT WHO IS OR HAS BEEN
6 BLEEDING IS ASSISTED OR TRANSPORTED, OR BOTH, TO A HEALTH FACIL-
7 ITY BY A POLICE OFFICER OR FIRE FIGHTER OR BY AN AMBULANCE
8 ATTENDANT, EMERGENCY MEDICAL TECHNICIAN, EMERGENCY MEDICAL
9 TECHNICIAN SPECIALIST, OR ADVANCED EMERGENCY MEDICAL TECHNICIAN

1 LICENSED UNDER PART 207, THE HEALTH FACILITY SHALL ADMINISTER TO
2 THE EMERGENCY PATIENT A TEST FOR HIV OR AN ANTIBODY TO HIV. IF
3 THE TEST RESULTS ARE POSITIVE, THE HEALTH FACILITY SHALL DO BOTH
4 OF THE FOLLOWING:

5 (A) SUBJECT TO SUBSECTION (2), ON A FORM PROVIDED BY THE
6 DEPARTMENT, NOTIFY THE POLICE OFFICER, FIRE FIGHTER, OR INDIVID-
7 UAL LICENSED UNDER PART 207 THAT HE OR SHE HAS BEEN EXPOSED TO
8 HIV.

9 (B) SUBJECT TO SUBSECTION (2), ON A FORM PROVIDED BY THE
10 DEPARTMENT, NOTIFY THE POLICE OFFICER, FIRE FIGHTER, OR INDIVID-
11 UAL LICENSED UNDER PART 207, AT A MINIMUM, OF THE APPROPRIATE
12 INFECTION CONTROL PRECAUTIONS TO BE TAKEN.

13 (2) THE NOTIFICATION REQUIRED UNDER SUBSECTION (1) SHALL
14 OCCUR WITHIN 7 DAYS AFTER THE TEST RESULTS ARE OBTAINED BY THE
15 HEALTH FACILITY. A HEALTH FACILITY IS IN COMPLIANCE WITH
16 SUBSECTION (1) IF THE HEALTH FACILITY NOTIFIES THE CHIEF ELECTED
17 OFFICIAL OF THE LOCAL GOVERNMENTAL UNIT WHICH EMPLOYS OR OTHER-
18 WISE HAS JURISDICTION OVER THE POLICE OFFICER, FIRE FIGHTER, OR
19 INDIVIDUAL LICENSED UNDER PART 207.

20 (3) THE NOTICE REQUIRED UNDER SUBSECTION (1) SHALL NOT CON-
21 TAIN INFORMATION WHICH WOULD IDENTIFY THE EMERGENCY PATIENT WHO
22 TESTED POSITIVE FOR HIV OR AN ANTIBODY TO HIV. THE INFORMATION
23 CONTAINED IN THE NOTICE IS CONFIDENTIAL. A PERSON WHO RECEIVES
24 CONFIDENTIAL INFORMATION UNDER THIS SECTION SHALL DISCLOSE THE
25 INFORMATION TO OTHERS ONLY TO THE EXTENT CONSISTENT WITH THE
26 AUTHORIZED PURPOSE FOR WHICH THE INFORMATION WAS OBTAINED.

1 (4) THE DEPARTMENT MAY PROMULGATE RULES TO ADMINISTER THIS
2 SECTION.

3 (5) A PERSON WHO DISCLOSES INFORMATION IN VIOLATION OF
4 SUBSECTION (3) IS GUILTY OF A MISDEMEANOR.

5 (6) AS USED IN THIS SECTION:

6 (A) "EMERGENCY PATIENT" MEANS THAT TERM AS DEFINED IN
7 SECTION 20704.

8 (B) "HEALTH FACILITY" MEANS A HEALTH FACILITY OR AGENCY AS
9 DEFINED IN SECTION 20106.

10 (C) "HIV" MEANS HUMAN IMMUNODEFICIENCY VIRUS.