



**House
Legislative
Analysis
Section**

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REPORT HIV-POSITIVE PATIENTS

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SEP 11 1989

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House Bill 4956

Sponsor: Rep. Richard Bandstra

Committee: Public Health

Complete to 8-17-89

A SUMMARY OF HOUSE BILL 4956 AS INTRODUCED 6-28-89

The bill would amend the Public Health Code to require that physicians who know the identity of sexual or needle-sharing partners of patients who had tested positive for human immunodeficiency virus (HIV) infection make "reasonable efforts" to notify the partners or else report such patients and identify the partners to the appropriate local health department. (Public Act 488 of 1988--House Bill 5189--says that it was not imposing on physicians and local health officers an affirmative duty to notify partners of HIV-infected individuals. The bill would eliminate this language.) Under the bill, however, a physician would not be required to inquire about individuals who might be at risk of infection because of their relationship to the patient. Before ordering a test to diagnose HIV infection, a physician would have to tell the patient (1) about the availability and conditions of anonymous testing established by Public Act 488 of 1989 and (2) about the bill's partner-notification and reporting requirements.

The bill would specify that compliance with the bill's requirements would not be a violation of the physician-patient privilege (under the Revised Judicature Act). Physicians who complied (in "good faith") with the bill's requirements would not be liable for civil damages or criminal prosecution.

(Presently, under Public Act 489 of 1988--House Bill 4103, licensed health care providers are only required to refer patients with a positive HIV test to the appropriate local health department for help with notifying sexual or needle-sharing partners if the provider believes that the patient needs such help. In such cases, the provider also is required to provide the local health department with the information necessary for the department to carry out partner identification, including the identity of the HIV-infected patient. However, people may ask their private physicians not to report their identity to the local health department if the patient tests positive for HIV, and the physician has to comply with the request unless he or she believes the patient needs help with partner identification.)

MCL 333.5114a, 333.5114b, and 333.5131

House Bill 4956 (8-17-89)