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House Bill 4742 (as passed by the House)
Sponsor: Representative Rick Johnson
House Committee: Health Policy
Senate Committee: Health Policy

Date Completed: 2-15-00

CONTENT

The bill would amend the Public Health Code to delete a requirement that the circuit court appoint, and consider the recommendations of, a review panel charged with determining if an individual may be ordered to be tested for HIV, HBV, or HCV infection.

Currently, a court may issue an order for the HIV (human immunodeficiency virus), HBV (hepatitis B virus), and/or HCV (hepatitis C virus) infection testing of a prisoner, arrestee, parolee, or probationer, if it is determined that a law enforcement officer, fire fighter, local corrections officer, county employee, court employee, or individual making a lawful arrest has sustained a percutaneous (skin), mucous membrane, or open wound exposure to the blood or body fluid of the prisoner, arrestee, parolee, or probationer, if the proposed test subject does not consent to testing. Before ordering the person to be tested, the court must consider the recommendation of a review panel. The bill would eliminate this requirement, and remove provisions that prescribe the powers, duties, and appointment of the review panel.

(Under the Code, a review panel consists of three physicians appointed by the court from a list of physicians submitted by the Department of Community Health. At least two of the physicians must have training and experience in the diagnosis and treatment of serious communicable diseases and infections; however, upon the motion of the individual who is the subject of the order, the court must appoint as one member of the review panel a physician who is selected by that individual. The review panel must review the record of the proceedings regarding the individual's refusal to submit to a test; interview the individual, or document the reasons why he or she was not interviewed; and recommend either that the individual be tested for HIV, HBV, or HCV infection, or all three, or that the individual not be tested for any of the infections, and document the reasons for the recommendation.)

MCL 333.5205

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would eliminate costs related to review panels. No Statewide data are available regarding review panel costs.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.