

EXEMPT
(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT

A.B. 483

ASSEMBLY BILL NO. 483—ASSEMBLYMEN ANDERSON, MANENDO, LESLIE, PARKS, FREEMAN, BUCKLEY, CARPENTER, OHRENSCHALL, BROWER, GUSTAVSON, KOIVISTO, ANGLE, MCCLAIN, NOLAN, DE BRAGA, HETTRICK AND GOLDWATER

MARCH 11, 1999

Referred to Committee on Judiciary

SUMMARY—Authorizes law enforcement officer, correctional officer, emergency medical attendant, fireman and any other person who is employed by agency of criminal justice or employer of such person to petition court to require person who may have exposed employee to contagious disease to be tested for human immunodeficiency virus and hepatitis B surface antigen. (BDR 40-1399)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; authorizing a law enforcement officer, correctional officer, emergency medical attendant, fireman and any other person who is employed by an agency of criminal justice or the employer of any such person to petition a court to require a person who may have exposed the employee to a contagious disease to be tested for the human immunodeficiency virus and the hepatitis B surface antigen; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 441A of NRS is hereby amended by adding thereto
- 2 a new section to read as follows:
- 3 ***1. A law enforcement officer, correctional officer, emergency***
- 4 ***medical attendant, fireman or any other person who is employed by an***
- 5 ***agency of criminal justice who may have been exposed to a contagious***
- 6 ***disease while performing his official duties, or the employer of such a***
- 7 ***person, may petition a court for an order requiring the testing of a***
- 8 ***person for exposure to the human immunodeficiency virus and the***
- 9 ***hepatitis B surface antigen if the person may have exposed the officer,***

1 *medical attendant, fireman or other person employed by an agency of*
2 *criminal justice to a contagious disease.*

3 2. *When possible, before filing a petition pursuant to subsection 1,*
4 *the person or employer petitioning shall submit information concerning*
5 *the possible exposure to a contagious disease to the designated health*
6 *care officer for the employer or, if there is no designated health care*
7 *officer, the person designated by the employer to document and verify*
8 *possible exposure to contagious diseases, for verification that there was*
9 *substantial exposure. Each designated health care officer or person*
10 *designated by an employer to document and verify possible exposure to*
11 *contagious diseases shall establish guidelines based on current scientific*
12 *information to determine substantial exposure.*

13 3. *A court shall promptly hear a petition filed pursuant to subsection*
14 *1 and determine whether there is probable cause to believe that a possible*
15 *transfer of blood or other bodily fluids occurred between the person who*
16 *filed the petition or on whose behalf the petition was filed and the person*
17 *who possibly exposed him to a contagious disease. If the court*
18 *determines that probable cause exists to believe that a possible transfer of*
19 *blood or other bodily fluids occurred, the court shall order the person*
20 *who possibly exposed the petitioner to a contagious disease to submit two*
21 *specimens of blood to a local hospital or medical laboratory for testing*
22 *for exposure to the human immunodeficiency virus and the hepatitis B*
23 *surface antigen. The local hospital or medical laboratory shall perform*
24 *the test in accordance with generally accepted medical practices and*
25 *shall disclose the results of the test in the manner set forth in section 3 of*
26 *this act.*

27 4. *The employer of a person who files a petition or on whose behalf a*
28 *petition is filed pursuant to this section or the insurer of the employer*
29 *shall pay the cost of performing the test pursuant to subsection 3.*

30 5. *As used in this section:*

31 (a) *“Agency of criminal justice” has the meaning ascribed to it in*
32 *NRS 179A.030.*

33 (b) *“Emergency medical attendant” means a person licensed as an*
34 *attendant or certified as an emergency medical technician, intermediate*
35 *emergency medical technician or advanced emergency medical*
36 *technician pursuant to chapter 450B of NRS.*

37 **Sec. 2.** *NRS 441A.220 is hereby amended to read as follows:*

38 441A.220 All information of a personal nature about any person
39 provided by any other person reporting a case or suspected case of a
40 communicable disease, or by any person who has a communicable disease,
41 or as determined by investigation of the health authority, is confidential
42 medical information and must not be disclosed to any person under any

1 circumstances, including pursuant to any subpoena, search warrant or
2 discovery proceeding, except as follows:

3 1. For statistical purposes, provided that the identity of the person is
4 not discernible from the information disclosed.

5 2. In a prosecution for a violation of this chapter.

6 3. In a proceeding for an injunction brought pursuant to this chapter.

7 4. In reporting the actual or suspected abuse or neglect of a child or
8 elderly person.

9 5. To any person who has a medical need to know the information for
10 his own protection or for the well-being of a patient or dependent person,
11 as determined by the health authority in accordance with regulations of the
12 board.

13 6. If the person who is the subject of the information consents in
14 writing to the disclosure.

15 7. Pursuant to subsection 2 of NRS 441A.320 ~~§~~ *or section 3 of this*
16 *act.*

17 8. If the disclosure is made to the welfare division of the department of
18 human resources and the person about whom the disclosure is made has
19 been diagnosed as having acquired immunodeficiency syndrome or an
20 illness related to the human immunodeficiency virus and is a recipient of or
21 an applicant for Medicaid.

22 9. To a fireman, police officer or person providing emergency medical
23 services if the board has determined that the information relates to a
24 communicable disease significantly related to that occupation. The
25 information must be disclosed in the manner prescribed by the board.

26 10. If the disclosure is authorized or required by specific statute.

27 **Sec. 3.** Chapter 629 of NRS is hereby amended by adding thereto a
28 new section to read as follows:

29 *1. A provider of health care shall disclose the results of all tests*
30 *performed pursuant to section 1 of this act to:*

31 *(a) The person who was tested;*

32 *(b) The law enforcement officer, correctional officer, emergency*
33 *medical attendant, fireman or other person who is employed by an*
34 *agency of criminal justice who filed the petition or on whose behalf the*
35 *petition was filed pursuant to section 1 of this act;*

36 *(c) The designated health care officer for the employer of the person*
37 *described in paragraph (b) or, if there is no designated health care*
38 *officer, the person designated by the employer to document and verify*
39 *possible exposure to contagious diseases; and*

40 *(d) If the person who was tested is incarcerated or detained, the*
41 *person in charge of the facility in which the person is incarcerated or*
42 *detained and the chief medical officer of the facility in which the person*
43 *is incarcerated or detained, if any.*

- 1 2. *A provider of health care and an agent or employee of a provider*
- 2 *of health care are immune from civil liability for a disclosure made in*
- 3 *accordance with the provisions of this section.*

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