

ASSEMBLY BILL NO. 294—ASSEMBLYMEN DENIS, HARDY,
OCEGUERA, ATKINSON, CONKLIN, GERHARDT, KIHUEN
AND MABEY

MARCH 13, 2007

JOINT SPONSOR: SENATOR HECK

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the testing of certain governmental employees who may have been exposed to a contagious disease while performing their official duties. (BDR 40-1274)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

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

AN ACT relating to communicable diseases; revising provisions governing the testing of certain governmental employees who may have been exposed to a contagious disease while performing their official duties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, certain governmental employees, including law
2 enforcement and correctional officers, emergency medical attendants and
3 firefighters, who may have been exposed to a contagious disease while performing
4 their official duties, or the employers of such persons, may petition a court for an
5 order requiring the testing for exposure to the human immunodeficiency virus and
6 the hepatitis B surface antigen of the person who may have caused the exposure to
7 the contagious disease. (NRS 441A.195) **Section 1** of this bill expands those
8 protections to county coroners and medical examiners and their employees, and
9 other public employees whose duties may require them to come into contact with
10 human blood or bodily fluids and also provides that the order issued by the court
11 may extend to the testing of a decedent who may have caused the exposure to the
12 contagious disease. **Section 1** also expands the contagious diseases for which a test
13 may be ordered to include hepatitis C and tuberculosis.



* A B 2 9 4 R 1 *

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

Section 1. NRS 441A.195 is hereby amended to read as follows:

441A.195 1. A law enforcement officer, correctional officer, emergency medical attendant, firefighter ~~for any other~~ , *county coroner or medical examiner or any of their employees, any other person who is employed by an agency of criminal justice or any other public employee whose duties may require him to come into contact with human blood or bodily fluids*, who may have been exposed to a contagious disease while performing his official duties, or the employer of such a person, may petition a court for an order requiring the testing of a person *or decedent* for exposure to the human immunodeficiency virus , ~~and~~ the hepatitis B surface antigen , *hepatitis C and tuberculosis* if the person *or decedent* may have exposed the officer, medical attendant, firefighter , *county coroner or medical examiner or their employee, for* other person employed by an agency of criminal justice *or other public employee whose duties may require him to come into contact with human blood or bodily fluids* to a contagious disease.

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

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a possible transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person *or decedent* who possibly exposed him to a contagious disease. If the court determines that probable cause exists to believe that a possible transfer of blood or other bodily fluids occurred, the court shall ~~order~~ :

(a) *Order* the person who possibly exposed the petitioner *or the person on whose behalf the petition was filed* to a contagious disease to submit two specimens of blood to a local hospital or medical laboratory for testing for exposure to the human



* A B 2 9 4 R 1 *

1 immunodeficiency virus , ~~and~~ the hepatitis B surface antigen ~~H~~ ,
2 *hepatitis C and tuberculosis; or*

3 *(b) Order that two specimens of blood be drawn from the*
4 *decedent who possibly exposed the petitioner or the person on*
5 *whose behalf the petition was filed to a contagious disease and be*
6 *submitted to a local hospital or medical laboratory for testing for*
7 *exposure to the human immunodeficiency virus, the hepatitis B*
8 *surface antigen, hepatitis C and tuberculosis.*

9 ➔ The local hospital or medical laboratory shall perform the test in
10 accordance with generally accepted medical practices and shall
11 disclose the results of the test in the manner set forth in
12 NRS 629.069.

13 4. The employer of a person who files a petition or on whose
14 behalf a petition is filed pursuant to this section or the insurer of the
15 employer shall pay the cost of performing the test pursuant to
16 subsection 3.

17 5. As used in this section:

18 (a) "Agency of criminal justice" has the meaning ascribed to it
19 in NRS 179A.030.

20 (b) "Emergency medical attendant" means a person licensed as
21 an attendant or certified as an emergency medical technician,
22 intermediate emergency medical technician or advanced emergency
23 medical technician pursuant to chapter 450B of NRS.

24 **Sec. 2.** NRS 629.069 is hereby amended to read as follows:

25 629.069 1. A provider of health care shall disclose the results
26 of all tests performed pursuant to NRS 441A.195 to:

27 (a) The person who was tested ~~H~~ *and, upon request, a member*
28 *of the family of a decedent who was tested;*

29 (b) The law enforcement officer, correctional officer, emergency
30 medical attendant, firefighter , *county coroner or medical examiner*
31 *or their employee, ~~or~~ other person who is employed by an agency*
32 *of criminal justice or other public employee whose duties may*
33 *require him to come into contact with human blood or bodily*
34 *fluids* who filed the petition or on whose behalf the petition was
35 filed pursuant to NRS 441A.195;

36 (c) The designated health care officer for the employer of the
37 person described in paragraph (b) or, if there is no designated health
38 care officer, the person designated by the employer to document and
39 verify 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
43 person is incarcerated or detained, if any.



* A B 2 9 4 R 1 *

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

