

Amendment No. 151

Assembly Amendment to Assembly Bill No. 294

(BDR 40-1274)

Proposed by: Assembly Committee on Commerce and Labor**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

TL/TMC



Date: 4/9/2009

A.B. No. 294—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)



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.

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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 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:

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

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, for any other** person who is ~~otherwise~~ employed by an agency of criminal justice ~~or~~ **or any other public employee whose duties may**

1 require him to come into contact with human blood or bodily fluids, who may
2 have been exposed to a contagious disease while performing his official duties, or
3 the employer of such a person, may petition a court for an order requiring the
4 testing of a person or decedent for exposure to the human immunodeficiency virus, and
5 ~~and~~ the hepatitis B surface antigen, hepatitis C and tuberculosis if the person or
6 decedent may have exposed the officer, medical attendant, firefighter, county
7 coroner or medical examiner or their employee, ~~for~~ other person ~~otherwise~~
8 employed by an agency of criminal justice or other public employee whose duties
9 may require him to come into contact with human blood or bodily fluids to a
10 contagious disease.

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

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

27 (a) Order the person who possibly exposed the petitioner or the person on
28 whose behalf the petition was filed to a contagious disease to submit two
29 specimens of blood to a local hospital or medical laboratory for testing for exposure
30 to the human immunodeficiency virus, ~~and~~ the hepatitis B surface antigen ~~and~~ ,
31 hepatitis C and tuberculosis; or

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

37 • The local hospital or medical laboratory shall perform the test in accordance
38 with generally accepted medical practices and shall disclose the results of the test in
39 the manner set forth in NRS 629.069.

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

43 5. As used in this section:

44 (a) "Agency of criminal justice" has the meaning ascribed to it in NRS
45 179A.030.

46 (b) "Emergency medical attendant" means a person licensed as an attendant or
47 certified as an emergency medical technician, intermediate emergency medical
48 technician or advanced emergency medical technician pursuant to chapter 450B of
49 NRS.

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

51 629.069 1. A provider of health care shall disclose the results of all tests
52 performed pursuant to NRS 441A.195 to:

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

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

9 (c) The designated health care officer for the employer of the person described
10 in paragraph (b) or, if there is no designated health care officer, the person
11 designated by the employer to document and verify possible exposure to contagious
12 diseases; and

13 (d) If the person who was tested is incarcerated or detained, the person in
14 charge of the facility in which the person is incarcerated or detained and the chief
15 medical officer of the facility in which the person is incarcerated or detained, if any.

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