

THE FLORIDA SENATE
2015 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 321 — HIV Testing

By Health and Human Services Committee; Health Quality Subcommittee; and Reps. Avila, Edwards, and others (CS/CS/SB 512 by Fiscal Policy Committee; Health Policy Committee; and Senators Thompson and Soto)

The bill differentiates between the notification and informed consent procedures for performing a human immunodeficiency virus (HIV) test in “health care” and “nonhealth care” settings. The bill requires that before performing an HIV test in a health care setting, the person to be tested must be *notified* that an HIV test is planned and that the test may be declined. Before performing an HIV test in a nonhealth care setting, a provider must obtain *informed consent* from the person to be tested. A test subject in either setting must be informed that a positive HIV test result will be reported to the county health department with sufficient information to identify the test subject. A test subject must also be informed of the availability and location of sites that perform anonymous testing.

The bill repeals the requirement that hospitals licensed under ch. 395, F.S., must have written informed consent for an HIV test in order to release HIV test results contained in hospital medical records to conform to the notification procedures authorized for health care settings.

The bill revises and clarifies procedures for HIV testing when a significant exposure has occurred to medical personnel and nonmedical personnel.

The bill excludes hospitals (as well as clinical laboratories, acupuncturists, medical physicians, osteopathic physicians, chiropractors, podiatrists, dentists, and midwives) from having to register with the DOH for HIV testing, if the HIV testing is part of routine medical care or if the HIV testing is not specifically advertised to the general public.

If approved by the Governor, these provisions take effect July 1, 2015.

Vote: Senate 39-0; House 119-0