
OLR Bill Analysis

sHB 6540 (as amended by House "A")*

AN ACT CONCERNING THE PREVENTION OF THE HUMAN IMMUNODEFICIENCY VIRUS.

SUMMARY

Under certain conditions, existing law allows physicians and advanced practice registered nurses (APRNs) to examine and treat a minor for HIV or AIDS without the consent of the minor's parents or guardian. This bill additionally allows physicians and APRNs to provide prophylaxis to minors for HIV without parental or guardian consent, under the same conditions. It defines prophylaxis as the use of medication, other than a vaccine, to prevent disease (see BACKGROUND).

As under existing law for HIV treatment, the bill allows a physician or APRN to provide such prophylaxis without parental or guardian consent only after determining that (1) notifying them would result in denial of such prophylaxis or (2) the minor will not pursue or continue the prophylaxis if the parents or guardian are notified.

Under existing law, the provision of HIV or AIDS treatment to a minor under these circumstances must be kept confidential and not divulged unless the minor consents, including when the provider sends a bill to anyone other than the minor. The bill extends this to HIV prophylaxis, but provides two exceptions to these confidentiality provisions.

First, if the minor is age 12 or younger and receiving such prophylaxis or treatment without parental or guardian consent, the bill requires the physician or APRN to report the minor's name, age, and address to the Department of Children and Families for an investigation of possible abuse or neglect. A similar requirement applies under existing law to report treatment of minors age 12 or

younger for sexually transmitted diseases, including HIV (CGS § 19a-216).

Second, the bill specifies that physicians or APRNs treating a minor for HIV or AIDS under these circumstances may report to the Department of Public Health (DPH) and local health department as required by the law on DPH's list of reportable diseases (see BACKGROUND).

Lastly, the bill extends to HIV prophylaxis existing law's provisions that require documentation in the minor's medical record and that the minor be liable for costs.

*House Amendment "A" adds the two exceptions to the confidentiality provisions.

EFFECTIVE DATE: July 1, 2019

MEDICAL RECORDS AND COSTS

Under the bill, if a physician or APRN provides HIV prophylaxis to a minor without parental or guardian consent, the:

1. physician or APRN must fully document the reasons for doing so and include the documentation, signed by the minor, in the minor's clinical record and
2. minor is personally liable for all costs for services he or she receives without parental or guardian consent.

These provisions already apply under existing law to HIV treatment for a minor without parental or guardian consent.

BACKGROUND

Pre-Exposure Prophylaxis (PrEP) for HIV

According to the federal Centers for Disease Control and Prevention, PrEP is a method for people with substantial risk of contracting HIV to possibly prevent it, by taking a daily pill that includes two specified medications. When someone is exposed to HIV, these medications can prevent the virus from establishing a permanent

infection.

DPH Reportable Disease List

By law, DPH maintains an annual list of reportable diseases (including HIV and AIDS) and emergency illnesses and conditions and reportable lab findings. Health care providers and clinical laboratories must report cases of the listed conditions within certain timeframes to the department and the local health director where the case occurs.

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 21 Nay 0 (03/22/2019)