



House of Representatives

File No. 819

General Assembly

January Session, 2019

(Reprint of File No. 556)

Substitute House Bill No. 6540
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 26, 2019

**AN ACT CONCERNING THE PREVENTION OF THE HUMAN
IMMUNODEFICIENCY VIRUS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-592 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2019*):

3 (a) Any licensed physician or advanced practice registered nurse
4 may examine and provide prophylaxis or treatment for human
5 immunodeficiency virus infection, or acquired immune deficiency
6 syndrome for a minor, only with the consent of the parents or
7 guardian of the minor unless the physician or advanced practice
8 registered nurse determines that notification of the parents or guardian
9 of the minor will result in prophylaxis or treatment being denied or the
10 physician or advanced practice registered nurse determines the minor
11 will not seek, pursue or continue prophylaxis or treatment if the
12 parents or guardian are notified and the minor requests that his or her
13 parents or guardian not be notified. The physician or advanced
14 practice registered nurse shall fully document the reasons for the

15 determination to provide prophylaxis or treatment without the consent
 16 or notification of the parents or guardian of the minor and shall
 17 include such documentation, signed by the minor, in the minor's
 18 clinical record. The fact of consultation, examination and prophylaxis
 19 or treatment of a minor under the provisions of this section shall be
 20 confidential and shall not be divulged without the minor's consent,
 21 including the sending of a bill for the services to any person other than
 22 the minor until the physician or advanced practice registered nurse
 23 consults with the minor regarding the sending of a bill, except (1) for
 24 purposes of any report made pursuant to section 19a-215, or (2) if the
 25 minor is twelve years of age or younger, the physician or advanced
 26 practice registered nurse shall report the name, age and address of the
 27 minor to the Commissioner of Children and Families, or the
 28 commissioner's designee, who shall classify and evaluate such report
 29 pursuant to the provisions of section 17a-101g. As used in this
 30 subsection, "prophylaxis" means the use of medication, but does not
 31 include the administration of any vaccine, to prevent disease.

32 (b) A minor shall be personally liable for all costs and expenses for
 33 services afforded the minor at his or her request under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	19a-592

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill: (1) allows prophylaxis¹ by physicians and advanced practice registered nurses, and (2) requires practitioners that provide prophylaxis to minors 12 years of age or younger to report certain information to the Department of Children and Families (DCF) for the purposes of a report. It is anticipated that the number of such prophylaxis cases will be limited and that DCF will produce the required report within its existing resources. Therefore, the bill is not anticipated to result in a fiscal impact to the State or municipalities

House "A" struck everything after the enacting clause of the underlying bill and replaced it with language that is not anticipated to result in a fiscal impact to the State or municipalities, as discussed above.

The Out Years

State Impact: None

Municipal Impact: None

¹Prophylaxis is defined in the bill as the use of medication, other than a vaccine, to prevent disease.

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)