
OLR Bill Analysis

HB 5190

AN ACT CONCERNING TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.

SUMMARY

This bill generally requires physicians, physician assistants (PAs), and advanced practice registered nurses (APRNs), when treating a patient age 13 or older in a hospital emergency department or primary care setting, to offer the patient an HIV test at least annually where practicable. The requirement does not apply if the provider documents that the patient (1) is being treated for a life-threatening emergency, (2) received an HIV test in the prior year, (3) lacks the capacity to provide general consent to the test, or (4) declines the test.

When offering HIV tests under the bill, these providers must comply with specified requirements under existing law, such as generally providing the test subject, when communicating the test result, with counseling or referrals as needed on certain matters (see BACKGROUND).

The bill requires these hospitals and providers to develop protocols, with specified components, for implementing the bill's HIV testing provisions.

It also requires the Department of Public Health (DPH), by January 1, 2023, to develop and post on its website educational materials for the public, hospitals, and primary care providers about the bill's requirement for offering HIV testing. DPH must develop these materials in consultation with community-based organizations with demonstrated expertise in caring for, treating, and providing support services to people with HIV.

EFFECTIVE DATE: October 1, 2022

REQUIRED PROTOCOLS

The bill requires hospitals and primary care physicians, PAs, and APRNs treating patients age 13 or older, to develop protocols for implementing the bill's HIV testing provisions. These protocols must comply with existing law's provisions on general consent requirements for HIV testing, counseling and referral as needed, and related exceptions (see BACKGROUND).

The protocols must at least include:

1. offering and providing this testing to patients and notifying them of the results;
2. tracking and documenting the number of tests performed and declined and the test results;
3. reporting positive test results to DPH, as required under existing law; and
4. referring patients who test positive to an appropriate health care provider for treatment.

BACKGROUND

HIV Testing Consent, Counseling, and Exceptions

By law, a person who gives general consent for medical procedures and tests is generally not required to also sign or be given a specific informed consent form on HIV testing. General consent includes instruction to the patient that (1) the patient may be tested for HIV as part of the medical procedures or tests and (2) this testing is voluntary. Among other things, the law provides that a parent's or guardian's consent is not required for a minor to get tested.

By law, the person ordering an HIV test, when communicating its result, must give the test subject or his or her authorized representative counseling information or referrals as needed, addressing certain matters. These include, among other things, (1) information about available treatments and support services and (2) the need to notify partners.

The law establishes exceptions to these consent and counseling provisions in 10 situations, such as those involving significant occupational exposure (CGS § 19a-582).

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 22 Nay 9 (03/18/2022)