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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70.24 RCW
8 to read as follows:

9 (1) If the absence of HIV infection is a bona fide occupational
10 qualification for the job in question, any person who knows or should
11 have known that he or she is infected with HIV shall notify his or her
12 employer, or the principal administrator of any health care facility
13 within which he or she may practice a health profession, of his or her
14 HIV status.

15 (2) No person shall engage in any contact with the public in the
16 course of employment that is determined by the board in rule to present
17 a significant risk of transmitting HIV to other persons without having
18 first obtained informed consent in writing from such persons or such
19 persons' guardians.

20 (3) A violation of subsection (1) or (2) of this section is
21 unprofessional conduct under RCW 18.130.180(15).

22 (4) The board shall adopt rules defining "significant risk" as used
23 in this section and RCW 49.60.172 to include procedures involving
24 digital palpation of a needle tip in a body cavity or the simultaneous
25 presence of a health care worker's fingers and a needle or other sharp
26 instrument or object in a poorly visualized or highly confined anatomic
27 site and any contact that the federal centers for disease control have
28 determined to result in an actual HIV transmission, including invasive

1 medical procedures in which recommended infection control procedures
2 may have failed.

3 (5) Any person who violates subsection (2) of this section shall
4 pay for pretest counseling, HIV testing, and posttest counseling as
5 recommended by the board in rule to determine whether persons who have
6 been exposed have become infected with HIV.

7 (6) Any person who knows or should have known that he or she is
8 infected with HIV shall notify such other persons as the board
9 determines in rule may have been at significant risk of exposure to the
10 infection as a result of contact with the infected person in the course
11 of the infected person's employment.

12 (7) A health care provider who, within his or her scope of
13 practice, may order blood tests for diagnostic purposes may perform an
14 HIV test on a patient if the provider determines that the HIV test is
15 medically appropriate and necessary to (a) protect the safety of any
16 person who has been placed at significant risk of exposure to HIV
17 during the course of providing health care or support services for the
18 patient, or (b) facilitate accurate diagnosis and treatment of the
19 patient.

20 (8) The board shall adopt rules as necessary to implement this
21 section."

22 "NEW SECTION. **Sec. 2.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and shall take
25 effect immediately."

1 **SSB 5457** - S COMM AMD

2 By Committee on Health & Long-Term Care

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4 On page 1, line 1 of the title, after "HIV;" strike the remainder
5 of the title and insert "adding a new section to chapter 70.24 RCW;
6 prescribing penalties; and declaring an emergency."