

ANALYSIS OF HOUSE BILL 2413

Disclosing sexually transmitted disease information.

SPONSORS : Representative ~~Travis~~ and Carlson.

PURPOSE :

To permit a good Samaritan to request a human immunodeficiency virus (HIV) test in certain circumstances and receive the results.

BACKGROUND :

Except as authorized by law (RCW 70.24.105), it is unlawful to disclose or compel disclosure to identify any person who has investigated and determined a request for treatment for HIV except in the following circumstances: a legal representative of a health care provider, public health officer, or a law enforcement officer, a court order, a person who, because of the behavior or interaction with the infected individual, has been placed at risk of an enforcement officer, firefighter, or correctional staff, a management personnel, a welfare and guardian, or a child.

RCW 70.24.340 permits law enforcement officers, firefighters, or the person at risk of substantial exposure to HIV to request a public health officer or a doctor to provide counseling, testing, and post-test counseling to the person whose bodily fluids or she has been exposed. RCW 70.24.105 permits a person to receive the test results.

Current law (RCW 70.24.300) provides that a person who is a good Samaritan who provides emergency assistance and transport without compensation to a person with a medical emergency, including a person who is a firefighter, a law enforcement officer, or a public health officer, is not liable for any damages or costs incurred by the person as a result of the emergency medical procedure that could result in the exchange of bodily fluids, exposing the good Samaritan to HIV. Presently, a good Samaritan as defined by law cannot request HIV test or receive the result.

SUMMARY :

A good Samaritan who is a firefighter, a law enforcement officer, or the person at risk of substantial exposure to HIV may request counseling, testing, and post-test counseling from a person whose bodily fluids or she has been exposed and receive the test results.