

2 **SHB 1605** - S AMD - 493

3 By Senators Zarelli, Haugen, Long and Franklin

4 ADOPTED 4/18/97

5 On page 7, beginning on line 16, after "(4)" strike all material
6 through "rule." on line 38, and insert "A law enforcement officer, fire
7 fighter, health care provider, health care facility staff person,
8 department of corrections' staff person, jail staff person, or other
9 categories of employment determined by the board in rule to be at risk
10 of substantial exposure to HIV, who has experienced a substantial
11 exposure to another person's bodily fluids in the course of his or her
12 employment, may request a state or local public health officer to order
13 pretest counseling, HIV testing, and posttest counseling for the person
14 whose bodily fluids he or she has been exposed to. If the state or
15 local public health officer refuses to order counseling and testing
16 under this subsection, the person who made the request may petition the
17 superior court for a hearing to determine whether an order shall be
18 issued. The hearing on the petition shall be held within seventy-two
19 hours of filing the petition, exclusive of Saturdays, Sundays, and
20 holidays. The standard of review to determine whether the public
21 health officer shall be required to issue the order is whether
22 substantial exposure occurred and whether that exposure presents a
23 possible risk of transmission of the HIV virus as defined by the board
24 by rule. Upon conclusion of the hearing, the court shall issue the
25 appropriate order.

26 The person who is subject to the state or local public health
27 officer's order to receive counseling and testing shall be given
28 written notice of the order promptly, personally, and confidentially,
29 stating the grounds and provisions of the order, including the factual
30 basis therefor. If the person who is subject to the order refuses to
31 comply, the state or local public health officer may petition the
32 superior court for a hearing. The hearing on the petition shall be
33 held within seventy-two hours of filing the petition, exclusive of
34 Saturdays, Sundays, and holidays. The standard of review for the order
35 is whether substantial exposure occurred and whether that exposure
36 presents a possible risk of transmission of the HIV virus as defined by

1 the board by rule. Upon conclusion of the hearing, the court shall
2 issue the appropriate order.

3 The state or local public health officer shall perform counseling
4 and testing under this subsection if he or she finds that the exposure
5 was substantial and presents a possible risk as defined by the board of
6 health by rule or if he or she is ordered to do so by a court.

7 The counseling and testing required under this subsection shall be
8 completed as soon as possible after the substantial exposure or after
9 an order is issued by a court, but shall begin not later than seventy-
10 two hours after the substantial exposure or an order is issued by the
11 court."

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Effect: A person who is substantially exposed may request a hearing to review the determination of a state or local health officer not to order counseling and testing of the person whose bodily fluids the person was exposed to. The counseling and testing must be completed as soon as possible after the substantial exposure or after the hearing if a hearing is required.