

Chapter 246-138 WAC
TESTING OF GOOD SAMARITANS FOR CERTAIN INFECTIOUS DISEASES

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WAC

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WAC 246-138-001 Purpose. The purpose of this rule is to ensure eligible good samaritans may receive testing for certain infectious diseases at no cost to the good samaritan.

[Statutory Authority: 1999 c 391 § 2. WSR 00-01-066, § 246-138-001, filed 12/13/99, effective 1/13/00.]

WAC 246-138-010 Definitions. The following definitions apply throughout this chapter unless the context clearly indicates otherwise.

(1) "Certain infectious diseases" means hepatitis A virus (HAV), hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

(2) "Good samaritan" means a person rendering emergency care or transportation as described in RCW 4.24.300 and 4.24.310.

(3) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapters 70.05 and 70.08 RCW.

(4) "Local health officer" means the individual appointed under chapter 70.05 RCW as the health officer for the local health department, or appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.

(5) "Exchange of bodily fluids significantly increasing the odds of being exposed to a deadly infectious disease":

(a) For HBV, HCV, and HIV means physical contact resulting in exposure presenting possible risk, limited to:

(i) A physical assault upon the exposed person involving blood or semen;

(ii) Intentional, unauthorized, nonconsensual use of needles or sharp implements to inject or mutilate the exposed person;

(iii) An accidental parenteral or mucous membrane or nonintact skin exposure to blood, semen, or vaginal fluids; or

(iv) For HBV only, mucous membrane or nonintact skin exposure to saliva; or

(b) For HAV means physical contact resulting in oral exposure of the good samaritan to the feces of the person she/he was assisting.

[Statutory Authority: 1999 c 391 § 2. WSR 00-01-066, § 246-138-010, filed 12/13/99, effective 1/13/00.]

WAC 246-138-020 How is a good samaritan eligible for no cost testing for certain infectious diseases? To receive no cost testing, a good samaritan must:

(1) Seek testing from the local health department of the county of her or his residence within thirty days of the exchange of bodily

fluids significantly increasing the odds of being exposed to a deadly infectious disease;

(2) Have sustained an exchange of bodily fluids significantly increasing the odds of being exposed to a deadly infectious disease as determined by the local health officer or authorized representative, while rendering emergency care or transportation; and

(3) Be uninsured or have health insurance that does not cover most of the costs of testing.

[Statutory Authority: 1999 c 391 § 2. WSR 00-01-066, § 246-138-020, filed 12/13/99, effective 1/13/00.]

WAC 246-138-030 What are the duties and responsibilities of the local health department? Local health departments, during regular hours of operation shall:

(1) Determine whether the good samaritan has sustained an exchange of bodily fluids significantly increasing the odds of being exposed to a deadly infectious disease;

(2) Determine which certain infectious diseases or other infectious diseases are appropriate to test for, which tests should be done and when the tests should be done, based on the nature and time of the exchange of bodily fluids significantly increasing the odds of being exposed to a deadly infectious disease and the natural history of infection for the diseases in question;

(3) Offer counseling and testing, consistent with recommendations in the *Control of Communicable Diseases Manual*, 20th edition, published by the American Public Health Association, for those infectious diseases to which the good samaritan is determined to have sustained an exchange of bodily fluids significantly increasing the odds of being exposed to a deadly infectious disease;

(4) Obtain the informed consent of the good samaritan prior to testing;

(5) Provide the good samaritan with the results of the testing and the possible need for retesting;

(6) Refer the good samaritan to an appropriate health care provider for any subsequent needed care in the event of a positive test; and

(7) Maintain the confidentiality of those medical records as required by chapters 70.24 RCW and 246-100 WAC.

[Statutory Authority: RCW 70.05.180. WSR 15-22-050, § 246-138-030, filed 10/29/15, effective 11/29/15. Statutory Authority: 1999 c 391 § 2. WSR 00-01-066, § 246-138-030, filed 12/13/99, effective 1/13/00.]

WAC 246-138-040 Limitations. Nothing in this chapter requires a local health department to provide health care services beyond the counseling, testing, and referral described in this chapter.

[Statutory Authority: 1999 c 391 § 2. WSR 00-01-066, § 246-138-040, filed 12/13/99, effective 1/13/00.]