
ENGROSSED SUBSTITUTE SENATE BILL 5457

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators L. Smith, Rasmussen, West, Stratton, Johnson, Owen, Saling, McCaslin, Bailey, Metcalf, Craswell, Amondson, Hayner, Thorsness and Cantu).

Read first time March 6, 1991.

1 AN ACT Relating to persons infected with HIV; adding a new section
2 to chapter 70.24 RCW; prescribing penalties; and declaring an
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.24 RCW
6 to read as follows:

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

13 (2) No person shall engage in any contact with the public in the
14 course of employment that is determined by the board in rule to present
15 a significant risk of transmitting HIV to other persons without having

1 first obtained informed consent in writing from such persons or such
2 persons' guardians.

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

5 (4) The board shall adopt rules defining "significant risk" as used
6 in this section and RCW 49.60.172 to include procedures involving
7 digital palpation of a needle tip in a body cavity or the simultaneous
8 presence of a health care worker's fingers and a needle or other sharp
9 instrument or object in a poorly visualized or highly confined anatomic
10 site and any contact that the federal centers for disease control have
11 determined to result in an actual HIV transmission, including invasive
12 medical procedures in which recommended infection control procedures
13 may have failed.

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

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

23 (7) A health care provider who, within his or her scope of
24 practice, may order blood tests for diagnostic purposes may perform an
25 HIV test on a patient if the provider determines that the HIV test is
26 medically appropriate and necessary to (a) protect the safety of any
27 person who has been placed at significant risk of exposure to HIV
28 during the course of providing health care or support services for the
29 patient, or (b) facilitate accurate diagnosis and treatment of the
30 patient.

1 (8) The board shall adopt rules as necessary to implement this
2 section.

3 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and shall take
6 effect immediately.