

# FINAL BILL REPORT

## SHB 3081

---

C 40 L 04

Synopsis as Enacted

**Brief Description:** Revising provisions relating to medical testing for children in the care of the department of social and health services.

**Sponsors:** By House Committee on Children & Family Services (originally sponsored by Representative Rockefeller).

**House Committee on Children & Family Services**  
**Senate Committee on Children & Family Services & Corrections**

### **Background:**

#### Out-of-Home Care

The Department of Social and Health Services (DSHS) oversees out-of-home care for children in the state who have been removed from their homes, including recruiting and licensing foster homes.

Whenever a child is placed in out-of-home care by the DSHS or a child-placing agency, the DSHS or agency is required to share information about the child and the child's family with the care provider and consult with the care provider regarding the child's case plan.

The DSHS is required to conduct training for foster parents, which must include information concerning the following: the potential impact of placement on foster children; social service agency administrative processes; the requirements, responsibilities, expectations, and skills needed to be a foster parent; attachment, separation, and loss issues faced by birth parents, foster children, and foster parents; child management and discipline; birth family relationships; and helping children leave foster care.

#### Disclosure of HIV Information

No person may disclose or be compelled to disclose the identity of any person:

- who has investigated, considered, or requested a test or treatment for a sexually transmitted disease, except as authorized by state law; or
- upon whom an HIV antibody test is performed, or the results of such a test.

This protection against disclosure of test subject, diagnosis, or treatment also applies to any information relating to diagnosis of or treatment for HIV infection. However, certain specified individuals may receive that information under specific circumstances. In the case of a child who is under 14 years of age, has a sexually transmitted disease, and is in the custody of the DSHS or a licensed child-placing agency, the following individuals may receive information relating to the child's HIV testing, diagnosis, or treatment:

- a DSHS worker, a child-placing agency worker, or a guardian ad litem who is responsible for making or reviewing placement or case-planning decisions or recommendations to the court regarding the child; and
- a person responsible for providing residential care for the child when the DSHS or a licensed child-placing agency determines that it is necessary for the provision of child care services.

**Summary:**

The Department of Health (DOH) is required to develop recommendations concerning evidence-based practices for testing for blood-borne pathogens of children under 1 year of age who have been placed in out-of-home care and to identify the specific pathogens for which testing is recommended.

The DOH is required to report to the appropriate committees of the Legislature on its developed recommendations by January 1, 2005.

Upon any placement, the DSHS is required to inform each out-of-home care provider if the child to be placed in that provider's care is infected with a blood-borne pathogen and is required to identify the specific blood-borne pathogen for which the child was tested if known by the DSHS.

All out-of-home care providers licensed by the DSHS must receive training related to blood-borne pathogens, including prevention, transmission, infection control, treatment, testing, and confidentiality.

Any disclosure of information related to HIV must be in accordance with state law.

The DOH is required to identify by rule the term "blood-borne pathogen" as it relates to these requirements of the DSHS.

**Votes on Final Passage:**

House 95 0  
Senate 48 0 (Senate amended)  
House 95 0 (House concurred)

**Effective:** June 10, 2004