

~~(h)~~ ~~(I)~~ (h) The costs incurred in performing an HIV test on a patient in accordance with the provisions of this section shall be paid by the hospital.

~~(i)~~ ~~(J)~~ (i) Each hospital shall develop written procedures to implement the provisions of this section.

~~(j)~~ ~~(K)~~ (j) A health care provider, first responder, PUBLIC SAFETY WORKER, or hospital or designee of a hospital acting in good faith to provide notification or maintain the confidentiality of the results of a test conducted under this section may not be held liable in any cause of action related to a breach of patient, health care provider, [or] first responder, OR PUBLIC SAFETY WORKER confidentiality.

~~(L) A DESIGNATED HOSPITAL INFECTIOUS DISEASE/COMMUNICABLE DISEASE OFFICER SHALL REPORT TO THE DEPARTMENT, ON A FORM APPROVED BY THE DEPARTMENT, EACH TIME THE HOSPITAL CONDUCTS AN HIV TEST ON:~~

~~(1) A PATIENT WHO WAS UNABLE TO GIVE INFORMED CONSENT TO CONDUCT THE HIV TEST IN ACCORDANCE WITH THIS SECTION;~~

~~(2) A PATIENT WHOSE SURROGATE DECISION MAKER WAS UNABLE TO GIVE INFORMED CONSENT TO CONDUCT THE HIV TEST ON THE PATIENT IN ACCORDANCE WITH THIS SECTION; AND~~

~~(2) A PATIENT WHO GAVE THE PATIENT'S INFORMED CONSENT TO CONDUCT THE HIV TEST ON THE PATIENT IN ACCORDANCE WITH THIS SECTION.~~

~~(M) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON THAT RECEIVES NOTIFICATION OF THE RESULTS OF AN HIV TEST CONDUCTED UNDER THIS SECTION MAY NOT KNOWINGLY DISCLOSE THE RESULTS OF THE TEST.~~

~~(2) A PERSON THAT VIOLATES THE PROVISIONS OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.~~

~~(N) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY SUMMARIZING BY COUNTY THE NUMBER OF PATIENTS:~~

~~(1) WHO WERE UNABLE TO GIVE INFORMED CONSENT TO A HOSPITAL TO CONDUCT AN HIV TEST; AND~~

~~(2) WHOSE SURROGATE DECISION MAKERS WERE UNABLE TO GIVE INFORMED CONSENT TO A HOSPITAL TO CONDUCT AN HIV TEST ON THE PATIENTS.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

Approved May 10, 2005.