

(II) A FACILITY OPERATED BY THE DEPARTMENT OR A HEALTH OFFICER; AND

(III) THE OFFICE OF A HEALTH CARE PROVIDER.

(3) "HEALTH CARE PROVIDER" MEANS A PHYSICIAN, NURSE, OR DESIGNEE OF A HEALTH CARE FACILITY.

(4) "HIV" MEANS THE HUMAN IMMUNODEFICIENCY VIRUS THAT CAUSES ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS).

(5) "PRENATAL CARE" MEANS OBSTETRIC AND GYNECOLOGIC SERVICE PERFORMED AS PART OF A PRENATAL CARE PROGRAM, INCLUDING:

(I) SCREENING;

(II) PHYSICAL EXAMINATION;

(III) LABORATORY AND DIAGNOSTIC TESTING PROCEDURES AND INTERPRETATION; AND

(IV) COUNSELING.

(B) (1) AS PART OF A HEALTH CARE PROVIDER'S PATIENT ACCEPTANCE PROCEDURES OR PROTOCOL, A HEALTH CARE PROVIDER SHALL PROVIDE A PREGNANT WOMAN WITH COUNSELING CONCERNING BEING TESTED FOR THE PRESENCE OF HIV AS PART OF THE WOMAN'S PRENATAL CARE PROGRAM.

(2) THE COUNSELING SHALL INCLUDE:

(I) INFORMATION THAT:

1. THE PREGNANT WOMAN IS NOT REQUIRED TO CONSENT TO A TEST FOR THE PRESENCE OF HIV; AND

2. THE PREGNANT WOMAN WILL NOT BE DENIED PRENATAL CARE BY THE HEALTH CARE PROVIDER OR AT THE HEALTH CARE FACILITY BECAUSE THE WOMAN REFUSES TO HAVE A TEST PERFORMED; AND

(II) EDUCATION ON:

1. THE EFFECT OF A POSITIVE HIV TEST RESULT ON THE PREGNANT WOMAN AND THE FETUS CONCERNING THE RISK OF TRANSMISSION OF HIV TO THE FETUS; AND

2. RECOGNIZED METHODS OF REDUCING THAT RISK, INCLUDING THE USE OF PHARMACEUTICALS DURING PREGNANCY KNOWN TO REDUCE THE RISK OF TRANSMISSION OF HIV TO THE FETUS.

(C) (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE RECORD OF AN HIV TEST PERFORMED UNDER THIS SECTION IS CONFIDENTIAL AND NOT DISCOVERABLE OR ADMISSIBLE IN EVIDENCE IN ANY CRIMINAL, CIVIL, OR ADMINISTRATIVE ACTION.