

(1) There has been an exposure between the patient and the health care provider;

(2) The health care provider involved in the exposure has given prompt written notice of the exposure, in accordance with the standards of the health care facility, to the chief executive officer or the chief executive officer's designee of the health care facility where the exposure occurred;

(3) The exposure occurred based on the judgment of a physician who is not the health care provider involved in the exposure; and

(4) The health care provider involved in the exposure has given informed consent and has submitted a blood sample to be tested for the presence of HIV in accordance with the provisions of subsection (d) of this section.

(c) If, by virtue of the physical or mental condition of a patient, a physician, nurse, or designee of a health care facility is unable to obtain the informed consent of the patient to test a blood sample of the patient for the presence of HIV in accordance with subsection (b) of this section, the physician, nurse, or designee of the health care facility shall seek the consent of any person who has authority to consent to medical care for the patient as provided under § 5-605 of this article or as otherwise authorized by law.

18-338.3.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) "BODY FLUIDS" MEANS:

1. ANY FLUID CONTAINING VISIBLE BLOOD, SEMEN, OR VAGINAL SECRETIONS; OR

2. CEREBROSPINAL FLUID, SYNOVIAL FLUID, OR AMNIOTIC FLUID.

(II) "BODY FLUIDS" DOES NOT INCLUDE SALIVA, STOOL, NASAL SECRETIONS, SPUTUM, TEARS, URINE, OR VOMITUS.

(3) "EXPOSURE" MEANS AS BETWEEN A PATIENT AND A HEALTH CARE PROVIDER:

(I) PERCUTANEOUS CONTACT WITH BLOOD OR BODY FLUIDS;

(II) MUCOCUTANEOUS CONTACT WITH BLOOD OR BODY FLUIDS;

(III) OPEN WOUND, INCLUDING DERMATITIS, EXUDATIVE LESIONS, OR CHAPPED SKIN, CONTACT WITH BLOOD OR BODY FLUIDS FOR A PROLONGED PERIOD; OR

(IV) INTACT SKIN CONTACT WITH LARGE AMOUNTS OF BLOOD OR BODY FLUIDS FOR A PROLONGED PERIOD.

(4) "FIRST RESPONDER" MEANS AN INDIVIDUAL WHO: