

circumstances; specifying that the records of certain HIV tests may not be documented in certain medical records; requiring health care facilities to maintain separate confidential records for certain HIV tests; specifying that certain records are confidential and not discoverable or admissible in evidence in any civil trial; providing a certain exception; requiring the costs for certain tests to be paid for by certain health care facilities; requiring health care facilities to develop certain written procedures; specifying that certain health care providers or health care facilities may not be held liable in any cause of action related to a breach of patient confidentiality under certain circumstances; requiring the Medical and Chirurgical Faculty to develop a certain protocol for physicians who are infected with HIV under certain circumstances; defining certain terms; and generally relating to the authorization for testing of a blood sample of a patient at a health care facility for the presence of HIV under certain circumstances.

BY adding to

Article - Health - General

Section 18-338.1

Annotated Code of Maryland

(1990 Replacement Volume and 1990 Supplement)

Preamble

WHEREAS, The Centers for Disease Control recommends that universal precautions be used by health care providers to prevent the transmission of HIV and other communicable diseases; and

WHEREAS, The establishment of a procedure that may allow health care providers access to certain information when the health care provider has been exposed to a patient with HIV does not in any way diminish the necessity for all health care providers to utilize the Centers for Disease Control's recommended universal precautions; and

WHEREAS, The confidentiality of both health care providers and patients should, to the extent possible, be protected when establishing any procedure that may provide a health care provider with information regarding the HIV status of a patient; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Health - General**

18-338.1.

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

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