

STATE OF NEW YORK

7350

2017-2018 Regular Sessions

IN ASSEMBLY

April 24, 2017

Introduced by M. of A. FITZPATRICK, FINCH, McKEVITT, KOLB, HAWLEY --
Multi-Sponsored by -- M. of A. CROUCH -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to requiring notification to peace officers and other paid or volunteer emergency personnel of exposure to HIV infected persons

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section
2 2313 to read as follows:

3 § 2313. Notification to peace officers, firefighters, ambulance work-
4 ers and others of exposure to the human immunodeficiency virus (HIV). 1.
5 While treating or transporting an ill or injured patient to a medical
6 care facility or while acting in the performance of duty, if a peace
7 officer or a paid or volunteer firefighter, emergency medical techni-
8 cian, rescue squadman or ambulance worker comes into contact with a
9 patient who has the human immunodeficiency virus (HIV), as a result of
10 information obtained by the facility, the attending physician, medical
11 examiner, a designee of the medical care facility who receives the
12 patient, the chief medical examiner, or the chief medical examiner's
13 designee shall notify such person, and the employer or employer's desig-
14 nee of the individual's possible exposure to the contagious disease or
15 virus.

16 2. The notification required under this section shall:

17 (a) Be made within forty-eight hours, or sooner, of confirmation of
18 the patient's diagnosis;

19 (b) Include subsequent written confirmation of possible exposure to
20 HIV;

21 (c) Be conducted in a manner that will protect the confidentiality of
22 the patient; and

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (d) To the extent possible, be conducted in a manner that will protect
2 the confidentiality of the person so exposed.

3 3. The written confirmation required under this section shall consti-
4 tute compliance with this section.

5 4. Each medical care facility shall develop written procedures for the
6 implementation of this section, and, upon request, make copies available
7 to the local fire authority, the local fire authority's designee and the
8 local law enforcement authority or the local law enforcement authority's
9 designee and the public at-large.

10 5. A medical care facility, physician, chief medical examiner or the
11 chief medical examiner's designee acting in good faith to provide
12 notification in accordance with this section shall not be liable in any
13 cause of action related to the breach of patient confidentiality.

14 6. A medical care facility, physician, chief medical examiner, or the
15 chief medical examiner's designee acting in good faith to provide
16 notification in accordance with this section shall not be liable in any
17 cause of action for:

18 (a) The failure to give the required notice, if the person so exposed
19 fails to properly initiate the notification procedures developed by the
20 health care facility under this section; or

21 (b) The failure of the employer or employer's designee to subsequently
22 notify the person so exposed of the possible exposure to HIV.

23 7. An exposed person shall receive from his or her employers or local
24 governmental bodies, at the expense of the employer or local govern-
25 mental body, as part of his or her training, education on:

26 (a) (i) The routes of transmission of HIV virus; and (ii) The routes
27 by which a person may be exposed to HIV virus; and

28 (b) The current centers for disease control guidelines for preventing
29 prehospital exposure to HIV while rendering emergency medical care.

30 8. A peace officer and a paid or volunteer firefighter, emergency
31 medical technician or rescue squadman, shall receive from their employ-
32 ers, associations, or local governmental bodies, at the employer's,
33 association's, or local governmental body's expense, equipment recom-
34 mended by the Centers for Disease Control to protect such person from
35 exposure to HIV while rendering emergency medical care.

36 9. (a) The fire department, law enforcement agency, and all other
37 agencies or organizations employing a person included within this
38 section shall develop written procedures for the implementation of this
39 section.

40 (b) On request, copies of the procedures developed in this subdivision
41 shall be made available to employees, employee unions, volunteer associ-
42 ations, and the secretary of state.

43 10. A person under this section may not refuse to treat or transport
44 an individual because the individual is HIV positive.

45 § 2. This act shall take effect on the ninetieth day after it shall
46 have become a law.