

2019 -- H 5816

LC002050

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO HEALTH AND SAFETY - PREVENTION AND SUPPRESSION OF
CONTAGIOUS DISEASES - HIV/AIDS

Introduced By: Representatives Craven, Morin, McEntee, and Caldwell

Date Introduced: March 07, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-6.3-15 of the General Laws in Chapter 23-6.3 entitled
2 "Prevention and Suppression of Contagious Diseases - HIV/AIDS" is hereby amended to read as
3 follows:

4 **23-6.3-15. Laboratory analyses and reporting.**

5 (a) All biological samples or specimens taken for the purpose of performing laboratory
6 analysis for the detection of antibody to HIV, by or under the direction or order of any health care
7 provider working within the scope of his or her practice, shall be sent to the department of health
8 laboratory for analysis. This provision shall not apply to those HIV tests performed in a hospital
9 laboratory, [clinical laboratories as defined in § 23-16.2-2\(2\) with testing facilities located in](#)
10 [Rhode Island](#) or to those sites performing rapid HIV testing.

11 (b) Hospitals shall forward all positive confirmatory HIV test results to the department.
12 All sites performing HIV testing must submit an annual HIV testing report to the department in
13 accordance with regulations promulgated by the department.

14 (c) The department laboratory shall conduct all confirmatory testing for HIV/AIDS with
15 the exception of written waivers issued by the department as indicated in (d) below.

16 (d) Sites performing non-venapuncture HIV testing (e.g. rapid testing), must seek a
17 waiver from the department to provide confirmatory HIV testing from a laboratory other than the
18 state laboratory, and shall forward all positive and negative confirmatory HIV tests results to the

1 department.

2 (e) Except in the case of anonymous HIV testing, a health care provider working within
3 the scope of his or her practice providing samples of specimens for HIV testing, or results of HIV
4 tests to the department, shall include the name of the patient and other identifying information
5 including information related to the individual's health insurance policy as applicable.

6 (f) Any HIV cases reported in the previous code based system, shall remain in a code-
7 based data set. This does not prohibit a physician from submitting or requesting that an updated
8 name case report on a patient replace a previously coded case report.

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would permit clinical laboratories as defined in § 23-16.2-2(2) to conduct its
2 own analysis of specimens for the detection of HIV/AIDS instead of sending the specimens to the
3 department of health.

4 This act would take effect upon passage.

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