



Rep. Timothy L. Schmitz

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LRB096 11708 RPM 24714 a

1 AMENDMENT TO HOUSE BILL 4047

2 AMENDMENT NO. _____. Amend House Bill 4047 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Infectious Disease Notification Act.

6 Section 3. Definitions. For the purpose of this Act:

7 "Medical facility" means a hospital licensed under the
8 Hospital Licensing Act or a free standing emergency center
9 under the Emergency Medical Services (EMS) Systems Act.

10 "Physician" means a person licensed under the Medical
11 Practice Act of 1987 to practice medicine in all of its
12 branches.

13 Section 5. Notification of designated officer.

14 (a) If a victim of an emergency is transported by emergency
15 response employees to a medical facility and the medical

1 facility makes a determination that the victim has an airborne
2 infectious disease or any other communicable disease that in
3 the judgment of a physician could have resulted in the
4 transmission of that disease to an emergency response employee,
5 then the medical facility shall notify the designated officer
6 of the emergency response employees who transported the victim
7 to the medical facility of the determination.

8 (b) If a victim of an emergency is transported by emergency
9 response employees to a medical facility and the victim dies at
10 or before reaching the medical facility, the medical facility
11 ascertaining the cause of death shall notify the designated
12 officer of the emergency response employees who transported the
13 victim to the initial medical facility of any determination by
14 the medical facility that the victim had an airborne infectious
15 disease or communicable disease that in the judgment of a
16 physician could have resulted in the transmission of that
17 disease to an emergency response employee.

18 Section 10. Requests for notification.

19 (a) If an emergency response employee believes that the
20 employee may have been exposed to an infectious disease by a
21 victim of an emergency who was transported to a medical
22 facility as a result of the emergency and if the employee
23 attended, treated, assisted, or transported the victim
24 pursuant to the emergency, then the designated officer of the
25 employee shall, upon the request of the employee, carry out the

1 duties described in subsection (b) of this Section concerning a
2 determination of whether the employee may have been exposed to
3 an infectious disease by the victim.

4 (b) The duties concerning a determination of whether the
5 employee may have been exposed to an infectious disease by the
6 victim are as follows:

7 (1) the designated officer involved shall collect the
8 facts relating to the circumstances under which, for
9 purposes of subsection (a) of this Section, the employee
10 involved may have been exposed to an infectious disease;
11 and

12 (2) the designated officer shall evaluate the facts and
13 make a determination of whether, if the victim involved had
14 any known infectious disease, the employee would have been
15 exposed to the disease under such facts.

16 (c) If a designated officer makes a determination under
17 item (2) of subsection (b) of this Section that an emergency
18 response employee may have been exposed to an infectious
19 disease, the designated officer shall submit to the medical
20 facility to which the victim involved was transported a request
21 for a response under subsection (d) of this Section concerning
22 the victim of the emergency involved. The request shall be in
23 writing and be signed by the designated officer involved, and
24 shall contain a statement of the facts collected pursuant to
25 item (1) of subsection (b).

26 (d) The procedures concerning an evaluation of and response

1 to a request to a medical facility pursuant to this Act are as
2 follows:

3 (1) If a medical facility receives a request under
4 subsection (c) of this Section, then the medical facility
5 shall evaluate the facts submitted in the request and make
6 a determination of whether, on the basis of the medical
7 information possessed by the facility regarding the victim
8 involved and in the professional judgment of a physician,
9 the emergency response employee was exposed to a known
10 infectious disease and the exposure was of a type that
11 could have resulted in transmission of the infectious
12 disease to the emergency response employee.

13 (2) If a medical facility makes a determination under
14 item (1) of this subsection (d) that the emergency response
15 employee involved has been exposed to an infectious disease
16 and the exposure was of a type that in the judgment of a
17 physician could have resulted in the transmission of the
18 infectious disease to the emergency response employee,
19 then the medical facility shall, in writing, notify the
20 designated officer who submitted the request of the
21 determination. No personally identifiable health
22 information may be released to the designated officer other
23 than notification of the exposure to the infectious
24 disease.

25 (3) If a medical facility makes a determination under
26 item (1) of this subsection (d) that the emergency response

1 employee involved has not been exposed to an infectious
2 disease, or that the exposure was not of a type that in the
3 judgment of a physician would have resulted in transmission
4 of the infectious disease to the employee, then the medical
5 facility shall, in writing, inform the designated officer
6 who submitted the request of the determination.

7 Section 15. Rules. The Department of Public Health shall
8 adopt rules that it deems necessary for the efficient
9 administration of this Act.

10 Section 20. Relationship to other Acts. To the extent that
11 the provisions of this Act conflict with any provision of the
12 AIDS Confidentiality Act, the provisions of the AIDS
13 Confidentiality Act shall control.".