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HOUSE BILL NO. 661

Offered January 8, 2020

Prefiled January 6, 2020

A *BILL to direct the Secretaries of Health and Human Resources and Public Safety to establish a work group to develop a plan to improve the Commonwealth's response to exposure-prone incidents involving law-enforcement officers, firefighters, and emergency medical services providers.*

Patron—Bell

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Secretaries of Health and Human Resources and Public Safety and Homeland Security (the Secretaries) shall establish a work group to develop a plan to improve the Commonwealth's response to exposure-prone incidents involving employees of law-enforcement agencies, volunteers and employees of fire departments and companies, and volunteers and employees of emergency medical services agencies and other appropriate entities. The work group shall include (i) the Superintendent of State Police, the Commissioner of Health, the Executive Director of the Department of Fire Programs, and the Director of the Department of General Services, or their designees; (ii) representatives of local law-enforcement agencies, fire departments and companies, and emergency medical services agencies; (iii) representatives of organizations representing law-enforcement officers, salaried and volunteer firefighters, and salaried and volunteer emergency medical services providers; and (iv) such other stakeholders as the Secretaries shall deem appropriate.*

In conducting its work, the work group shall:

1. *Develop a plan for the establishment of an entity to assist with the management of exposure-prone incidents involving employees of law-enforcement agencies, volunteers and employees of fire departments and companies, and volunteers and employees of emergency medical services agencies and other appropriate entities. Such assistance shall include assistance with (i) the process of confirming whether a volunteer or employee has been involved in an exposure-prone incident and, as a result of such exposure-prone incident, has been exposed to the body fluids of another person in a manner that may, according to the then-current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses; (ii) coordinating the process by which specimens of a person's body fluids are collected and tested to determine whether the person was infected with human immunodeficiency virus or hepatitis B or C viruses; and (iii) coordinating the care and treatment of a volunteer or employee for whom post-exposure prophylactic treatment or other treatment is required. Such entity shall also be charged with (a) providing training and education to designated infection control officers and others on topics related to preventing exposure-prone incidents, identifying and responding to exposure-prone incidents, and treatment and follow-up care for volunteers and employees involved in exposure-prone incidents and (b) collecting data from law-enforcement agencies, fire departments and companies, emergency medical services agencies, and others regarding the number of requests for assistance in determining whether an exposure-prone incident has occurred, the number of confirmed exposure-prone incidents, the number of cases involving an exposure-prone incident in which a specimen was collected and tested and whether the person from whom such specimen was collected was deceased or living, the number of cases in which post-exposure prophylaxis was required, and, in cases in which post-exposure prophylaxis was required, the duration and cost of such treatment. In developing the plan, the work group shall evaluate and provide recommendations related to the appropriate state agency or body to operate or provide oversight of the entity, the structure and organization of the entity, the specific powers and duties of the entity, and the cost to establish the entity. The work group shall also provide specific recommendations for legislative, regulatory, or budgetary actions necessary to establish the entity; and*

2. *Study and develop recommendations related to developing the ability to perform postmortem testing for infection with human immunodeficiency virus or hepatitis B or C viruses through the Division of Consolidated Laboratory Services. Such study shall include analysis of (i) the steps necessary to implement postmortem testing for infection with human immunodeficiency virus or hepatitis B or C viruses using a screening assay that is licensed for such purpose by the U.S. Food and Drug Administration, (ii) the potential cost to the Commonwealth of developing the ability to perform postmortem testing for infection with human immunodeficiency virus or hepatitis B or C viruses using a screening assay that is licensed for such purpose by the U.S. Food and Drug Administration through the Division of Consolidated Laboratory Services, and (iii) any potential savings to the Commonwealth*

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59 *resulting from implementing postmortem testing for infection with human immunodeficiency virus or*
60 *hepatitis B or C viruses using a screening assay that is licensed for such purpose by the U.S. Food and*
61 *Drug Administration through the Division of Consolidated Laboratory Services.*

62 *The work group shall report its findings, conclusions, and recommendations to the Governor and the*
63 *General Assembly by December 1, 2020.*

64 *§ 2. The Director of the Department of General Services shall enter into a contract with a*
65 *commercial laboratory located in the United States that is able to perform postmortem testing for*
66 *infection with human immunodeficiency virus or hepatitis B or C viruses using a screening assay that is*
67 *licensed for such purpose by the U.S. Food and Drug Administration to perform testing of blood*
68 *specimens collected from decedents to whose body fluids a law-enforcement officer, salaried or*
69 *volunteer firefighter, salaried or volunteer emergency medical services provider, or other employee of a*
70 *public safety agency, as that term is defined in § 32.1-45.2 of the Code of Virginia, was exposed in an*
71 *exposure-prone incident for infection with human immunodeficiency virus or hepatitis B or C. The*
72 *Director shall report to the Governor and the General Assembly on the status of the contract by*
73 *December 1, 2020.*