

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-45.1 of the Code of Virginia, relating to consent to testing and*  
3 *release of test results for infection with human immunodeficiency virus or hepatitis B or C viruses.*

4 [S 518]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 32.1-45.1 of the Code of Virginia is amended and reenacted as follows:**8 § 32.1-45.1. Deemed consent to testing and release of test results related to infection with human  
9 immunodeficiency virus or hepatitis B or C viruses.

10 A. Whenever any health care provider, or any person employed by or under the direction and control  
11 of a health care provider, is directly exposed to body fluids of a patient in a manner which may,  
12 according to the then current guidelines of the Centers for Disease Control, transmit human  
13 immunodeficiency virus or hepatitis B or C viruses, the patient whose body fluids were involved in the  
14 exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus  
15 or hepatitis B or C viruses. Such patient shall also be deemed to have consented to the release of such  
16 test results to the person who was exposed. In other than emergency situations, it shall be the  
17 responsibility of the health care provider to inform patients of this provision prior to providing them  
18 with health care services which create a risk of such exposure.

19 B. Whenever any patient is directly exposed to body fluids of a health care provider, or of any  
20 person employed by or under the direction and control of a health care provider, in a manner which  
21 may, according to the then current guidelines of the Centers for Disease Control, transmit human  
22 immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the  
23 exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus  
24 or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such  
25 test results to the patient who was exposed.

26 C. For the purposes of this section, "health care provider" means any person, facility or agency  
27 licensed or certified to provide care or treatment by the Department of Health, Department of Mental  
28 Health, Mental Retardation and Substance Abuse Services, Department of Rehabilitative Services, or the  
29 Department of Social Services, any person licensed or certified by a health regulatory board within the  
30 Department of Health Professions except for the Boards of Funeral Directors and Embalmers and  
31 Veterinary Medicine or any personal care agency contracting with the Department of Medical Assistance  
32 Services.

33 D. "Health care provider," as defined in subsection C of this section, shall be deemed to include any  
34 person who renders emergency care or assistance, without compensation and in good faith, at the scene  
35 of an accident, fire, or any life-threatening emergency, or en route therefrom to any hospital, medical  
36 clinic or doctor's office during the period while rendering such emergency care or assistance. The  
37 Department of Health shall provide appropriate counseling and opportunity for face-to-face disclosure  
38 of any test results to any such person.

ENROLLED

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