

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 271

An Act to amend and reenact §§ 32.1-36, 32.1-37, and 32.1-38 of the Code of Virginia, relating to authorization to report voluntarily certain medical data.

[S 828]

Approved March 12, 1997

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-36, 32.1-37, and 32.1-38 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-36. Reports by physicians and laboratory directors.

A. Every physician practicing in this Commonwealth who shall diagnose or reasonably suspect that any patient of his has any disease required by the Board to be reported and every director of any laboratory doing business in this Commonwealth which performs any test whose results indicate the presence of any such disease shall make a report within such time and in such manner as may be prescribed by regulations of the Board.

B. Any physician who diagnoses a venereal disease in a child twelve years of age or under shall, in addition to the requirements of subsection A hereof, report the matter, in accordance with the provisions of § 63.1-248.3, unless the physician reasonably believes that the infection was acquired congenitally or by a means other than sexual abuse.

C. Any physician practicing in this Commonwealth shall report to the local health department the identity of any patient of his who has tested positive for exposure to human immunodeficiency virus as demonstrated by such test or tests as are approved by the Board for this purpose. However, there is no duty on the part of the physician to notify any third party other than the local health department of such test result, and a cause of action shall not arise from any failure to notify any other third party.

D. Upon investigation by the local health department of a patient reported pursuant to subsection A, the Commissioner may, to the extent permitted by law, disclose the patient's identity and disease to the patient's employer if the Commissioner determines that (i) the patient's employment responsibilities require contact with the public and (ii) the nature of the patient's disease and nature of contact with the public constitutes a threat to the public health.

The patient's identity and disease state shall be confidential as provided in §§ 32.1-36.1 and 32.1-41. Any unauthorized disclosure of reports made pursuant to this section shall be subject to the penalties of § 32.1-27.

E. Physicians and laboratory directors may voluntarily report additional information at the request of the Department of Health for special surveillance or other epidemiological studies.

§ 32.1-37. Reports by persons other than physicians.

A. The person in charge of any medical care facility, school or summer camp as defined in § 35.1-1 shall immediately make or cause to be made a report of a disease required by the Board to be reported when such information is available to that person and that person has reason to believe that no physician has reported such disease as provided in § 32.1-36. Such report shall be made by telephone or in person to the local health director or to the Commissioner.

B. The person in charge of any medical care facility, school or summer camp as defined in § 35.1-1 may also voluntarily report additional information at the request of the Department of Health for special surveillance or other epidemiological studies.

§ 32.1-38. Immunity from liability.

Any person making a report or disclosure required or authorized by this chapter, *including any voluntary reports submitted at the request of the Department of Health for special surveillance or other epidemiological studies*, shall be immune from civil liability or criminal penalty connected therewith unless it is ~~proved~~ that such person acted with gross negligence or malicious intent. Further, except for such reporting requirements as may be established in this chapter or by any regulation promulgated pursuant thereto, there shall be no duty on the part of any blood collection agency or tissue bank to notify any other person of any reported test results, and a cause of action shall not arise from any failure by such entities to notify others. Neither the Commissioner nor any local health director shall disclose to the public the name of any person reported or the name of any person making a report pursuant to this chapter.