

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2098 Session of
1993

INTRODUCED BY SURRA, MIHALICH, COY, GORDNER, TRUE, CLYMER,
TANGRETTI, RAYMOND, D. R. WRIGHT, VEON, DeLUCA, GERLACH,
MASLAND, BARLEY, LEH, STISH, STABACK, MUNDY, KAISER,
FAIRCHILD, BELFANTI, TRELLO, SAURMAN, HASAY, TOMLINSON,
LAUGHLIN, DERMODY, MELIO, BATTISTO AND TIGUE, OCTOBER 6, 1993

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, OCTOBER 6, 1993

AN ACT

1 Amending the act of April 23, 1956 (1955 P.L.1510, No.500),
2 entitled, as amended, "An act providing for the prevention
3 and control of communicable and non-communicable diseases
4 including venereal diseases, fixing responsibility for
5 disease prevention and control, requiring reports of
6 diseases, and authorizing treatment of venereal diseases, and
7 providing for premarital and prenatal blood tests; amending,
8 revising and consolidating the laws relating thereto; and
9 repealing certain acts," providing for health care providers
10 who have tested positive for human immunodeficiency virus.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 2 of the act of April 23, 1956 (1955
14 P.L.1510, No.500), known as the Disease Prevention and Control
15 Law of 1955, is amended by adding a subsection to read:

16 Section 2. Definitions.--

17 The following terms, whenever used in this act, have the
18 meanings indicated in this section, except where the context
19 indicates a clearly different meaning:

20 * * *

1 (d.1) Health care provider. A physician, nurse, emergency
2 medical services worker, chiropractor, optometrist,
3 psychologist, nurse-midwife, physician assistant, dentist or
4 other person providing medical, dental, nursing, drug or alcohol
5 rehabilitation services, mental health services, other health
6 care services or an employe or agent of the person providing
7 these services.

8 * * *

9 Section 2. Sections 5 and 15 of the act are amended to read:

10 Section 5. Control Measures.--

11 (a) Upon the receipt by a local board or department of
12 health or by the department, as the case may be, of a report of
13 a disease which is subject to isolation, quarantine, or any
14 other control measure, the local board or department of health
15 or the department shall carry out the appropriate control
16 measures in such manner and in such place as is provided by rule
17 or regulation.

18 (b) In the case of a health care provider who has tested
19 positive for human immunodeficiency virus (HIV), the health care
20 provider shall refrain from any form of patient contact that may
21 expose a patient to the risk of contracting the virus.

22 (c) In the case of a physician or dentist who has tested
23 positive for human immunodeficiency virus (HIV), the infected
24 physician or dentist shall notify his patients of his HIV
25 status.

26 (d) Failure to comply with subsections (b) and (c) shall
27 result in revocation of a health care provider's license under
28 the act of May 1, 1933 (P.L.216, No.76), known as "The Dental
29 Law," or certificate under the act of December 20, 1985
30 (P.L.457, No.112), known as the "Medical Practice Act of 1985."

1 Section 15. Confidentiality of Reports and Records.--(a)

2 State and local health authorities may not disclose reports of
3 diseases, any records maintained as a result of any action taken
4 in consequence of such reports, or any other records maintained
5 pursuant to this act or any regulations, to any person who is
6 not a member of the department or of a local board or department
7 of health, except where necessary to carry out the purposes of
8 this act. State and local health authorities may permit the use
9 of data contained in disease reports and other records,
10 maintained pursuant to this act, or any regulation, for research
11 purposes, subject to strict supervision by the health
12 authorities to insure that the use of the reports and records is
13 limited to the specific research purposes.

14 (b) Notwithstanding any provisions of the act of November
15 29, 1990 (P.L.585, No.148), known as the "Confidentiality of
16 HIV-Related Information Act," the department may make disclosure
17 of reports or records as may be necessary to enforce subsection
18 (d) of section 5 of this act.

19 Section 3. This act shall take effect in 60 days.