

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 613 Session of  
1999

INTRODUCED BY KASUNIC, STOUT, BOSCOLA AND STAPLETON,  
MARCH 17, 1999

REFERRED TO PUBLIC HEALTH AND WELFARE, MARCH 17, 1999

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 (HIV).

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

14 Section 1. Section 2 of the act of April 23, 1956 (1955  
15 P.L.1510, No.500), known as the Disease Prevention and Control  
16 Law of 1955, amended September 29, 1994 (P.L.516, No.75), is  
17 amended to read:

18 Section 2. Definitions.--

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

22 (a) Board. The State Advisory Health Board.

(b) Carrier. A person who, without any apparent symptoms of a communicable disease, harbors a specific infectious agent and may serve as a source of infection.

(c) Communicable Disease. An illness due to an infectious agent or its toxic products which is transmitted, directly or indirectly, to a well person from an infected person, animal or arthropod, or through the agency of an intermediate host, vector of the inanimate environment.

(d) Department. The State Department of Health.

(d.1) Health care provider. A physician, nurse, emergency medical services worker, chiropractor, optometrist, psychologist, nurse-midwife, physical therapist, physician assistant, dentist or other person providing medical, dental, nursing, drug or alcohol rehabilitation services, mental health services, other health care services or an employe or agent of such individual.

[(d.1)] (d.2) HIV-related test. Any laboratory test or series of tests for any virus, antibody, antigen or etiologic agent whatsoever thought to cause or to indicate the presence of HIV infection.

(e) Isolation. The separation for the period of communicability of infected persons or animals from other persons or animals in such places and under such conditions as will prevent the direct or indirect transmission of the infectious agent from infected persons or animals to other persons or animals who are susceptible or who may spread the disease to others.

(f) Local board or department of health. The board of health or the department of public health of a city, borough, incorporated town or township of the first class, or a county

1 department of health, or joint county department of health.

2 (g) Local health officer. The head of a local department of  
3 health.

4 (h) Municipality. A city, borough, incorporated town or  
5 township.

6 (i) Quarantine. The limitation of freedom of movement of  
7 persons or animals who have been exposed to a communicable  
8 disease for a period of time equal to the longest usual  
9 incubation period of the disease in such manner as to prevent  
10 effective contact with those not so exposed. Quarantine may be  
11 complete, or, as defined below, it may be modified, or it may  
12 consist merely of surveillance or segregation.

13 (1) Modified quarantine is a selected, partial limitation of  
14 freedom of movement, determined on the basis of differences in  
15 susceptibility or danger of disease transmission, which is  
16 designed to meet particular situations. Modified quarantine  
17 includes, but is not limited to, the exclusion of children from  
18 school and the prohibition or the restriction of those exposed  
19 to a communicable disease from engaging in particular  
20 occupations.

21 (2) Surveillance is the close supervision of persons and  
22 animals exposed to a communicable disease without restricting  
23 their movement.

24 (3) Segregation is the separation for special control or  
25 observation of one or more persons or animals from other persons  
26 or animals to facilitate the control of a communicable disease.

27 (j) Regulation. Any rule or regulation issued by the board,  
28 or any ordinance, rule or regulation enacted or issued by any  
29 municipality or county department of health, or joint county  
30 department of health, pursuant to this act.

1 (k) Reportable disease. (a) Any communicable disease  
2 declared reportable by regulation; (b) any unusual or group  
3 expression of illness which, in the opinion of the secretary,  
4 may be a public health emergency; and (c) such non-communicable  
5 diseases and conditions for which the secretary may authorize  
6 reporting to provide data and information which, in the opinion  
7 of the Advisory Health Board, are needed in order effectively to  
8 carry out those programs of the department designed to protect  
9 and promote the health of the people of the Commonwealth, or to  
10 determine the need for the establishment of such programs.

11 (l) Secretary. The State Secretary of Health.

12 Section 2. Section 5 of the act is amended to read:

13 Section 5. Control Measures.--

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

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

26 Section 3. Section 15 of the act is reenacted and amended to  
27 read:

28 Section 15. Confidentiality of Reports and Records.--(a)  
29 State and local health authorities may not disclose reports of  
30 diseases, any records maintained as a result of any action taken

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

11 (b) Notwithstanding any provisions of the act of November  
12 29, 1990 (P.L.585, No.148), known as the "Confidentiality of  
13 HIV-Related Information Act," the department may make such  
14 disclosure of reports or records as may be necessary to enforce  
15 section 5(b) of this act.

16 Section 4. This act shall take effect in 60 days.