Summary
This bill ensures the safety of emergency personnel, who have been exposed to the blood or other bodily fluids of a patient, through the post-exposure notification protocol. Every facility that receives a patient shall adopt a post-exposure notification protocol for emergency services personnel. The protocol must include: a method for emergency services personnel to notify the facility that they were exposed to the blood or other bodily fluids of a patient transported to the facility; a process to investigate whether an exposure has occurred of a nature which could transmit HIV, Hepatitis B, or HCV, if present; a process to determine whether the patient is infected with HIV, Hepatitis B, or HCV; and a process for notifying the exposed emergency medical services personnel and making recommendations for appropriate testing and counseling.

Model Legislation
Section I: Title
This Act may be cited as the “Emergency Services Personnel Protection Act.”

Section II: Definitions
For the purposes of this Act the following definitions apply:

(A.) “HIV” means the human immunodeficiency virus identified or any other identified causative agent of acquired immunodeficiency syndrome (AIDS).

(B.) “Hepatitis B” means the Hepatitis B virus.

(C.) “HCV” means the Hepatitis C virus.

(D.) “Emergency Services Agency” means an agency, entity, or organization that employs or uses emergency services personnel as employees or volunteers.

(E.) “Emergency Services Personnel” means:

1. individuals employed to provide prehospital emergency medical services;
2. persons employed as police officers and corrections officials;
3. firefighters, paramedics, emergency medical technicians, licensed nurses, reserve squad personnel, or other individuals who serve as employees or volunteers of an ambulance service and/or provide prehospital emergency medical services; and
4. crime lab personnel.

(F.) “Patient” means any individual who is received by a health care facility and who has contact with emergency personnel in the official performance of their duties. Patient includes but is not limited to a victim of accident or injury or deceased person.

(G.) “Facility” means a licensed hospital or freestanding medical care facility that receives patients cared for by emergency services personnel.

Section III. Post-Exposure Notification Procedures
(A.) Every facility that receives a patient shall adopt a post-exposure notification protocol for emergency services personnel who have been exposed to a patient’s bodily fluids.

(B.) The post-exposure notification protocol must include the following:

1. a method for emergency services personnel to notify the facility that they were exposed to the blood or other bodily fluids of a patient transported to the facility. The facility shall provide to the emergency medical services personnel an exposure report form to be completed by the emergency medical services personnel in a timely fashion;

2. a process to investigate whether an exposure has occurred of a nature which could transmit HIV, Hepatitis B, or HCV, if present. This process is to be completed within 72 hours of the exposure report;

3. if the exposure has been of such a nature, a process to determine whether the patient is infected with HIV, Hepatitis B, or HCV;

4. if the patient is infected with HIV, Hepatitis B, or HCV, or if disease diagnosis is not determinable, a process for notifying the exposed emergency medical services personnel and for making recommendations for appropriate testing and counseling for the
emergency medical services personnel;
(5.) procedures to prevent the unauthorized disclosure of the patient’s HIV, Hepatitis B, or HCV infection; and
(6.) a process for providing counseling for the emergency services personnel filing the exposure report.

Section IV: Emergency Services Personnel Request for Testing
If the exposure of emergency services personnel to a patient’s bodily fluids is of a nature which could transmit HIV, Hepatitis B, or HCV if present, it shall not be necessary to obtain the patient’s consent to test him or her for HIV, Hepatitis B, or HCV at the request of the exposed personnel.

Section V: Facility Immunity
The facility which discloses information in accordance with the provisions of this Act shall be presumed, in the absence of evidence to the contrary, to be acting in good faith and shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed in an action resulting from such disclosure.

Section VI: Severability Clause
Section VII: Effective Date