

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill in section 1 in §19203-A in subsection 1 in the 4th line from the end (page 1, line 12 in L.D.) by inserting after the following: "negative test results." the following: 'A patient must be provided the opportunity to ask questions, either orally or in writing.'

Amend the bill by inserting after section 1 the following:

‘**Sec. 2. 5 MRSA §19203-F, sub-§4,** as enacted by PL 1995, c. 319, §4, is amended to read:

4. Reporting and counseling. The health care facility in which a convicted offender is tested pursuant to this section shall disclose the results of the test to the victim-witness advocate, who shall disclose the result to the petitioner. ~~The test result may not be disclosed to the petitioner until the petitioner has received counseling, pursuant to section 19204-A, regarding the nature, reliability and significance of the convicted offender's HIV test and has been offered referrals for health care and support services for the victim.~~ The health care facility shall, upon order of the court, disclose the results of the test to the convicted offender.’

Amend the bill in section 2 in §19204-A in subsection 2 in paragraph A in subparagraph (1) in the 2nd line (page 3, line 21 in L.D.) by striking the following: "test provider" and inserting the following: 'person providing post-test counseling'

Amend the bill by inserting after section 2 the following:

‘**Sec. 3. 5 MRSA §19204-B, sub-§2, ¶A,** as enacted by PL 1987, c. 811, §9, is amended to read:

A. If the employee declines to be tested pursuant to section 19203-A;

Sec. 4. 22 MRSA §834, as enacted by PL 1997, c. 368, §1, is repealed.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment adds to the HIV pretest patient information procedures the opportunity for the patient to ask questions and corrects a reference to the person who communicates HIV test results. The amendment integrates certain provisions from L.D. 568, provisions that correct cross-references and repeal references to required pretest counseling.

FISCAL NOTE REQUIRED
(See attached)