

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1185 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/27/09

A Bill

HOUSE BILL 2057

5 By: Representative Reep
6
7

For An Act To Be Entitled

9 AN ACT TO PROTECT EMERGENCY RESPONSE WORKERS; TO
10 PROVIDE FOR EVALUATIONS OF THE MEDICAL RECORDS OF
11 INDIVIDUALS SUSPECTED OF INFECTING AN EMERGENCY
12 RESPONSE WORKER WITH A LIFE-THREATENING DISEASE;
13 AND FOR OTHER PURPOSES.
14

Subtitle

15 TO PROTECT EMERGENCY RESPONSE WORKERS
16 THROUGH EVALUATIONS OF INDIVIDUALS
17 SUSPECTED OF INFECTING AN EMERGENCY
18 RESPONSE WORKER WITH A LIFE-THREATENING
19 DISEASE.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 20, Chapter 13 is amended to add an
26 additional subchapter to read as follows:

27 20-13-1501. Definitions.

28 As used in this subchapter:

29 (1) "Airborne or blood-borne disease" means a potentially life-
30 threatening disease, including without limitation:

31 (A) Tuberculosis;

32 (B) Hepatitis C; and

33 (C) Hepatitis B.

34 (2) "Emergency response worker" means:

35 (A) Paramedics;



- (B) Emergency response employees;
- (C) Fire fighters;
- (D) First response workers;
- (E) Emergency medical technicians;
- (F) Emergency medical services personnel;
- (G) Volunteers making an authorized emergency response;

and

(H) A person rendering services as a "Good Samaritan" under the "Good Samaritan" law, § 17-95-101;

(3) "Health care provider" means any physician, nurse, paramedic, or other person providing medical, nursing, or other health care services of any kind; and

(4) "Health care facility" means a hospital, nursing home, blood bank, blood center, sperm bank, or other health care institution.

20-13-1502. Possible exposure of emergency response workers to airborne or blood-borne diseases – Testing.

(a)(1) Consent is not required for a health care provider or health facility to test an individual for an airborne or blood-borne disease when a health care provider or an employee of a health care facility has a type of contact with an individual that may transmit an airborne or blood-borne disease, as determined by a physician in his or her medical judgment.

(2) The results of the tests authorized under subdivision (a)(1) of this section shall be provided by the physician ordering the tests to the affected health care provider's physician or the employee's physician and to the physician of the individual who was tested.

(b)(1) Notwithstanding any other law to the contrary, a person who performs a test under subsection (a) of this section shall not be subject to civil or criminal liability for doing so.

(2) Notwithstanding any other law to the contrary, a person who discloses a test result in accordance with the provisions of subsection (a) of this section shall not be subject to civil or criminal liability.

/s/ Reep

APPROVED: 4/7/2009