

aye. Opposed. The E & R amendments are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Dierks had an AM3022. I have a note you wish to withdraw that one, Senator.

SENATOR DIERKS: That's right.

SPEAKER WITHEM: It is withdrawn.

CLERK: Senator Dierks would move to amend with AM3608, Mr. President. (Amendment may be found on page 1151 of the Legislative Journal.)

SPEAKER WITHEM: Senator Dierks.

SENATOR DIERKS: Thank you, Mr. Speaker, members of the body, AM3608 makes generally clarifying and technical amendments to LB 819. I have distributed a sheet to you that provides a short written explanation of the purposes behind the amendments. The general purpose of 819 is to implement a system of confidential reporting of positive HIV test results with name identifiers which I will get into in a discussion of the bill itself. Except for Section 1, this amendment concerns the informed consent provisions of the bill. Section 5 of LB 819 provides that individuals may not be tested for the presence of the HIV virus without their informed written consent and is very specific as to what satisfies informed consent. The committee amendments on LB 819 added two general exceptions to the informed consent requirements. First, Sections 7 to 11 as amended created a protocol for HIV testing in the event of a health care worker's significant exposure to a patient's blood or other body fluids which can transmit the HIV virus. The protocol allows for a court order to be obtained if the patient is unable or refuses to grant consent. This same protocol exists in current law but applies only to emergency medical personnel. The second exception exempts HIV tests performed for insurance applications from the more stringent informed consent requirements provided the individual gives written permission to be tested. Part two of my amendment includes willful disclosure of HIV test results obtained under significant exposure protocol within the penalty section of the bill. Part three requires insurance companies to provide information about HIV and referral to HIV services and counseling before and after an insurance applicant is tested. Part four specifies which diseases may be tested under the significant exposure protocol.