

ASSEMBLY, No. 1525

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1996

By Assemblywoman CRECCO

1 AN ACT concerning emergency medical services and supplementing
2 Title 26 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. As used in this act:

8 "AIDS" means acquired immune deficiency syndrome as defined by
9 the Centers for Disease Control of the United States Public Health
10 Service.

11 "Commissioner" means the Commissioner of Health.

12 "Health care facility" means a health care facility as defined in
13 section 2 of P.L.1971, c.136 (C.26:2H-2).

14 "HIV" means the human immunodeficiency virus which is believed
15 to cause AIDS.

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17 2. The attending physician or registered professional nurse at a
18 health care facility, or another person designated by the administrator
19 of that facility, shall notify: a. a first aid, ambulance or rescue squad,
20 or any other entity providing emergency medical transportation
21 services, which is transporting a patient whom the facility knows to be
22 infected with HIV or hepatitis B virus or to be suffering from AIDS,
23 AIDS related complex or any of the contagious, infectious or
24 communicable diseases as determined by the commissioner pursuant
25 to section 2 of P.L.1988, c.125 (C.26:6-8.3); and b. the health care
26 facility to which the patient is being transferred, that the patient has
27 the infection or disease.

28 The information provided to a first aid, ambulance or rescue squad,
29 or to any other entity providing emergency medical transportation
30 services, and to a health care facility, pursuant to this section shall be
31 confidential and shall not be divulged or made public so as to disclose
32 the identity of any person to whom it relates, except as required by
33 law.

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35 3. The health care facility which receives the patient pursuant to
36 section 2 of this act shall notify the first aid, ambulance or rescue

1 squad, or other entity providing emergency medical transportation
2 services, if the facility determines, subsequent to the patient's
3 admission to that facility, that the patient has an infection or disease
4 as provided in section 2 of this act.

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6 4. The commissioner shall provide to all health care facilities for
7 distribution to appropriate personnel the list of diseases that the
8 commissioner determines are contagious, infectious or communicable
9 diseases pursuant to section 2 of P.L.1988, c.125 (C.26:6-8.3), as well
10 as revised versions of the list when it is updated.

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12 5. Nothing in this act shall be construed to permit a first aid,
13 ambulance or rescue squad, or any other entity providing emergency
14 medical transportation services, to deny services to a patient who has
15 an infection or disease as provided in section 2 of this act.

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17 6. A person who violates the provisions of this act is subject to a
18 penalty of up to \$1,000 for each offense, to be recovered in a civil
19 action in the name of the Department of Health in a court of
20 competent jurisdiction. The action may be brought in a summary
21 manner pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et
22 seq.

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24 7. A person shall not be liable for any civil damages as a result of
25 an act or the omission of an act committed while providing services in
26 good faith and in accordance with this act.

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28 8. The commissioner, pursuant to the "Administrative Procedure
29 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
30 regulations to effectuate the purpose of this act.

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32 9. This act shall take effect immediately.

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35 STATEMENT

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37 This bill requires that the attending physician or registered
38 professional nurse at a health care facility, or another person
39 designated by the administrator of that facility, shall notify a first aid,
40 ambulance or rescue squad, or any other entity providing emergency
41 medical transportation services, which is transporting a patient whom
42 the facility knows to be infected with HIV or hepatitis B virus or to be
43 suffering from AIDS, AIDS related complex or any of the contagious,
44 infectious or communicable diseases as determined by the
45 Commissioner of Health pursuant to section 2 of P.L.1988, c.125
46 (C.26:6-8.3), and the health care facility to which the patient is being

1 transferred, that the patient has, or is believed to have the infection or
2 disease. (P.L.1988, c.125 requires that similar notification be
3 provided to funeral directors.)

4 The bill provides that the information provided about a patient shall
5 be confidential and shall not be divulged or made public so as to
6 disclose the identity of any person to whom it relates, except as
7 required by law.

8 The bill requires the Commissioner of Health to provide to all
9 health care facilities for distribution to appropriate personnel the list
10 of diseases that the commissioner determines are contagious,
11 infectious or communicable diseases pursuant to section 2 of
12 P.L.1988, c.125, as well as revised versions of the list when it is
13 updated.

14 Nothing in this bill shall be construed to permit a first aid,
15 ambulance or rescue squad, or any other entity providing emergency
16 medical transportation services, to deny services to a patient who has
17 AIDS or AIDS related complex, or is infected with HIV or hepatitis
18 B virus, or has a contagious, infectious or communicable disease as
19 determined by the Commissioner of Health.

20 In addition, the bill stipulates that the health care facility which
21 receives the patient shall notify the first aid, ambulance or rescue
22 squad, or other entity providing emergency medical transportation
23 services, if the facility determines, subsequent to the patient's
24 admission to that facility, that the patient has AIDS or AIDS related
25 complex, or is infected with HIV or hepatitis B virus, or has a
26 contagious, infectious or communicable disease as determined by the
27 Commissioner of Health.

28 The bill further provides that a person who violates the provisions
29 of this measure is subject to a penalty of up to \$1,000 for each offense,
30 to be recovered in a civil action in the name of the Department of
31 Health. This penalty is equivalent to that provided in P.L.1988, c.125.

32 Finally, the bill provides that a person shall not be liable for any
33 civil damages as a result of an act or the omission of an act committed
34 while providing services in good faith and in accordance with this
35 measure.

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40 Requires health care facilities to notify first aid, ambulance and rescue
41 squads that they are transporting a patient who has AIDS or a
42 contagious, infectious or communicable disease.