

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2157

H.P. 1651

House of Representatives, March 6, 2002

An Act Regarding the Requirements for Documenting Pretest and Post-test Counseling for HIV Tests.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MADORE of Augusta.
Cosponsored by Senator RAND of Cumberland and
Representatives: BRUNO of Raymond, MARRACHE of Waterville.

Be it enacted by the People of the State of Maine as follows:

2 **Sec. 1. 5 MRSA §19204-A, sub-§1, ¶B**, as amended by PL 1995, c.
4 404, §15, is further amended to read:

6 ~~B. A-written-memorandum~~ An entry in the medical record of
8 the person being counseled summarizing the contents of the
10 discussion concerning at least the topics listed in
12 paragraph A, subparagraphs (1) to (5) ~~given-to-the-person~~
14 ~~being-counseled~~. A written informed consent form may be
used to satisfy the requirement ~~for-a-written-memorandum~~ in
this paragraph if it contains all the required information.
A written consent form does not satisfy the requirement for
personal counseling in paragraph A.

16 **Sec. 2. 5 MRSA §19204-A, sub-§2, ¶B**, as amended by PL 1995, c.
18 404, §15, is further amended to read:

20 ~~B. A-written-memorandum~~ An entry in the medical record of
22 the person being counseled summarizing the contents of the
discussion ~~given-to-the-person-being-counseled~~; and

24 **Sec. 3. 5 MRSA §19204-A, sub-§5** is enacted to read:

26 5. **Written information to person being counseled.** To
28 comply with the requirements of this section regarding pretest
30 counseling, in addition to meeting the requirements of subsection
32 1, the provider of an HIV test shall give to the person being
34 counseled a written document containing information on the
36 subjects described in subsection 1, paragraph A. To comply with
38 the requirements of this section regarding post-test counseling,
40 in addition to meeting the requirements of subsection 2, the
provider of an HIV test shall give to the person being counseled
a written document containing information on the subjects
described in subsection 2, paragraph A. A written consent form
or other document may be used to meet one or both of the
requirements for information pursuant to this subsection if the
form or document contains all the information required for the
type of counseling being offered.

SUMMARY

44 This bill changes the way a person documents the counseling
46 provided to another person before or after an HIV test is
administered. Current law requires a written memorandum that
summarizes the contents of the discussion be given to the person
48 tested. This bill requires that an entry in the person's medical
record summarizing the discussion must be made. The bill also

2 requires that the provider of an HIV test shall give the person
being counseled a written document summarizing the discussion
4 resulting from the pretest and post-test counseling. A written
consent form or other document may be used to satisfy the
6 requirement for documenting the pretest and post-test counseling
discussion.