

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB462

Hearing Date: Friday February 06, 2009
Committee On: Health and Human Services
Introducer: Dierks
One Liner: Change provisions relating to human immunodeficiency virus testing

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 7 Senators Campbell, Gay, Gloor, Howard, Pankonin, Stuthman, Wallman
Nay:
Absent:
Present Not Voting:

Proponents:

Senator Dierks
Claudia Balta
Nakiea Boetger
Jordan Delmundo
David Buntain
Sara Juster

Representing:

Introducer
Nebraska AIDS Project
Nebraska AIDS Project
Nebraska AIDS Project
Nebraska Medical Association
Nebraska Methodist Health System

Opponents:

Neutral:

Kay Oestmann
Cindy White

Representing:

Representing:
Friends of Public Health in Nebraska
Self

Summary of purpose and/or changes:

LB 462 changes and eliminates informed consent provisions relating to testing for human immunodeficiency virus infection (HIV testing). The bill adds new provisions requiring that the informed consent for HIV testing must provide an explanation of HIV infection and the meaning of both positive and negative test results.

The bill provides that a separate consent for HIV testing will not be required if a general consent form for the performance of medical tests or procedures has been signed, which informs the person that a test for the presence of HIV infection may be performed and that the person may refuse to have the test performed.

The bill adds and eliminates provisions relating to substitute consent for HIV testing. The bill provides that consent may be provided by the person's legal representative if the person is unable to provide consent. If the person's legal representative cannot be located or is unavailable, a health care provider may authorize the test when the test results are necessary for diagnostic purposes to provide appropriate medical care.

The bill deletes current provisions prescribing the contents of a written informed consent for HIV testing (section 71-531). The bill contains an emergency clause.

Tim Gay, Chairperson