

1 HB238
2 197154-2
3 By Representative Weaver
4 RFD: Health
5 First Read: 20-MAR-19

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8 SYNOPSIS: Under existing law, medical professionals
9 are required to submit materials relating to
10 testing for certain diseases to the Department of
11 Public Health and the State Health Officer under
12 certain circumstances.

13 This bill would require laboratories to
14 submit isolates or additional clinical materials to
15 the Department of Public Health in certain cases of
16 suspected disease and would also allow the State
17 Board of Health to establish a reasonable schedule
18 of fees to be charged for services rendered by the
19 Bureau of Clinical Laboratories.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT

24
25 Relating to public health; to amend Sections
26 22-11A-4 and 22-11A-40, Code of Alabama 1975, to require
27 laboratories to submit isolates or additional clinical

1 materials to the Department of Public Health in certain cases
2 of suspected disease; and to add Section 22-11A-42 to the Code
3 of Alabama 1975, to authorize the State Board of Health to set
4 a reasonable schedule of fees for services rendered by the
5 Bureau of Clinical Laboratories.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 22-11A-4 and 22-11A-40, Code of
8 Alabama 1975, are amended to read as follows:

9 "§22-11A-4.

10 "(a) For purposes of this section, the following
11 terms have the following meanings:

12 "(1) CLINICAL MATERIALS. Means either of the
13 following:

14 "a. A clinical isolate that contains or that may
15 contain an infectious agent of public health importance.

16 "b. Material that contains or that may contain an
17 infectious agent of public health importance, if an isolate is
18 not available, in the following order of preference:

19 "1. A patient specimen.

20 "2. Nucleic acid.

21 "3. Other laboratory material.

22 "(2) PROVIDER OF MEDICAL SERVICES. A physician,
23 hospital, laboratory, or other medical facility or medical
24 professional that renders medical care relating to treatment
25 of possible or confirmed cases of public health importance.

26 "(b) Any physician, hospital, laboratory, or other A
27 provider of medical services having that is currently

1 rendering or that has rendered treatment, care, diagnostic
2 services, or laboratory services to any person suspected of
3 having a notifiable disease or health condition shall ~~make his~~
4 ~~or its records on that individual readily available~~ provide
5 all records relating to its performance of treatment, care,
6 diagnostic services, or laboratory services for that person to
7 the State Health Officer or his or her designee upon request.

8 "(c) Any laboratory at which testing of clinical
9 materials results in a suspected or positive finding of public
10 health importance shall forward those clinical materials to
11 the Bureau of Clinical Laboratories of the Department of
12 Public Health.

13 "(d) The Department of Public Health shall adopt
14 rules necessary for the implementation and enforcement of this
15 section.

16 "§22-11A-40.

17 "(a) ~~All laboratory tests~~ Prior to the
18 administration of any laboratory test for acquired immune
19 deficiency syndrome (AIDS) or ~~like test~~ for viruses that lead
20 to the development of AIDS or any other notifiable disease
21 that may be designated by the State Board of Health, ~~shall be~~
22 ~~a test approved by the board. When approving such test the~~
23 ~~Board of Health~~ board shall ~~develop~~ administer a proficiency
24 testing program ~~necessary~~ to ascertain the qualifications and
25 competency of the personnel conducting the test.

26 "~~The State Board of Health is authorized to charge a~~
27 ~~reasonable fee to offset the cost of the proficiency testing~~

1 ~~program. All fees collected shall be deposited to the credit~~
2 ~~of the State Board of Health for the purpose of carrying out~~
3 ~~the provision of Chapter 11A of Title 22.~~

4 " (b) Any laboratory or laboratory personnel ~~thereof~~
5 who reports the test results of any ~~of the~~ diseases referenced
6 in this section, l when performed by any methods or procedures
7 not approved by the ~~Board of Health~~ board, shall be guilty of
8 a Class C misdemeanor."

9 Section 2. Section 22-11A-42 is added to the Code of
10 Alabama 1975, to read as follows:

11 §22-11A-42.

12 The State Board of Health may set a reasonable
13 schedule of fees for services rendered by the Bureau of
14 Clinical Laboratories of the State Board of Health. All fees
15 collected shall be deposited to the credit of the State Board
16 of Health for the purpose of carrying out this chapter.

17 Section 3. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.