

# Arizona

## Introduction and Table of Contents

January 27, 2009

To the Reader:

The *Compendium of State HIV Testing Laws* describes key state HIV testing laws and policies. Each state's HIV testing laws are unique and many have undergone revision or supplementation since the release of the [CDC's 2006 HIV testing recommendations](#). The *Compendium* is designed to help clinicians understand HIV testing laws and to implement sound HIV testing policies. It should not, however, be used as an official legal document.

The NCCC provides clinical consultation for healthcare providers as part of the HRSA [AIDS Education and Training Centers](#) program. Clinicians with questions about HIV testing are encouraged to call the *National HIV Telephone Consultation Service (Warmline)* at (800) 933-3413. The Warmline also provides advice on HIV management, including antiretroviral treatment. Other NCCC consultation services include: the National Clinicians' Post-Exposure Prophylaxis Hotline ([PEPLINE](#)) at (888) 448-4911 for advice on managing occupational exposures to HIV and hepatitis; and the National Perinatal Consultation and Referral Service ([Perinatal HIV Hotline](#)) at (888) 448-8765 for consultation on preventing mother-to-child transmission of HIV.

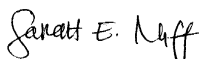
We update the *Compendium* periodically, but it is beyond the scope of the project to perform ongoing verification of every section frequently. We encourage readers to send comments, corrections, and updates (with citations when possible) to Sarah Neff at [neffs@nccc.ucsf.edu](mailto:neffs@nccc.ucsf.edu).

Thank you,



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Director

&



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The Warmline, PEPLINE, and Perinatal Hotline are part of the National HIV/AIDS Clinicians' Consultation Center (NCCC) based at San Francisco General Hospital/ UCSF. The NCCC is a component of the **AIDS Education and Training Centers (AETC) Program** funded by the Ryan White CARE Act of the **Health Resources and Services Administration (HRSA)** HIV/AIDS Bureau in partnership with the **Centers for Disease Control and Prevention (CDC)**.

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## Definitions and Helpful Resources

January 27, 2009

### Definitions Commonly Used Nationally

- **Anonymous Testing** – Patient's name is not recorded with test results.
- **Confidential** – Patient's name is recorded with test results.
- **HIV Prevention Counseling** – Refers to an interactive process of assessing risk, recognizing specific behaviors that increase the risk for acquiring or transmitting HIV and developing a plan to take specific steps to reduce risks.<sup>1</sup>
  - **Pre-test counseling** can include: (1) discussing HIV, risk factors and prevention methods; (2) explaining the meaning of positive and negative test results and their implications; (3) assessing the patient's personal and social supports; (4) determining the patient's readiness to cope with test results; (5) discussing disclosure of test results to others; and (6) advising the patient if reporting positive test results to health authorities is required.
  - **Post-test counseling** can include: (1) informing the patient of the results and meaning of the test results; (2) providing education about avoiding risks of sexual and injection drug exposures; and, for patients who test positive, (3) assessing the impact of test results for the patient and family; (3) explaining treatment options; (4) discussing partner counseling and disclosure of test results to others; and (5) initiating a support and treatment plan.
- **General Consent** – Consent for HIV screening is included in the general medical consent.
- **HIV** – Human Immunodeficiency Virus.
- **Informed Consent** – A process of communication between patient and provider through which an informed patient can choose whether to undergo HIV testing or decline to do so. Elements of informed consent typically include providing oral or written information regarding HIV, the risks and benefits of testing, the implications of HIV test results, how test results will be communicated, and the opportunity to ask questions.<sup>1</sup>
- **Name-based reporting** – Cases are reported by patient name (required in all states except HI and VT).
- **Opt-in** – Patients typically are provided pre-HIV test counseling and must consent specifically to an HIV-antibody test, either orally or in writing.<sup>2</sup>
- **Opt-out** – Performing HIV screening after notifying the patient that: the test will be performed; and the patient may elect to decline or defer testing. Assent is inferred unless the patient declines testing.<sup>1</sup>
- **Routine Testing** – HIV screening that is performed routinely during health-care encounters.
- **Rapid Testing** – Testing with any of the six FDA-approved rapid HIV tests that produce results in 30 minutes or less.<sup>3</sup>
- **Specific Consent** – Consent for the HIV screening is separate from the general medical consent.

### Helpful Resources

**CDC Recommendations and Guidelines:** <http://www.cdc.gov/hiv/topics/testing/guideline.htm>

**Emergency Department Implementation Guide:** <http://edhivtestguide.org/>

**Prenatal HIV Testing Website:** <http://www.cdc.gov/hiv/topics/perinatal/1test2lives/>

**For questions or comments about the compendium, contact NCCC:** [NCCCTemp@nccc.ucsf.edu](mailto:NCCCTemp@nccc.ucsf.edu)

**Clinicians with questions about HIV testing can call the Warmline at 800-933-3413.**

<sup>1</sup> Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings. MMWR Recomm Rep. 2006 Sep 22;55(RR-14):1-17; quiz CE1-4. <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5514a1.htm>

<sup>2</sup> <http://www.cdc.gov/mmwr/PDF/wk/mm5145.pdf>

<sup>3</sup> <http://www.cdc.gov/hiv/topics/testing/resources/factsheets/rt-lab.htm>

# Arizona

## A Quick Reference Guide for Clinicians to Arizona HIV Testing Laws

January 27, 2009

This Quick Reference Guide for clinicians is a summary of relevant Arizona state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Arizona HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

### Informed Consent

- Oral or written informed consent is required; opt-out process is implied; compatible with CDC Recommendations and Guidelines.

### Counseling

- No specific provisions regarding counseling were found.

### Provisos of Testing

- **Anonymous**
  - Consent form must inform patient of availability of anonymous testing.
  - Anonymous testing is available at designated anonymous testing sites.
- **Rapid**
  - No specific provisions regarding rapid testing were found.
- **Routine**
  - No specific provisions regarding routine testing were found

### Disclosure

- Notification to sexual and needle-sharing partners of possible exposure to HIV is required.

### Minor/Adolescent Testing

- Minors may consent to STD testing, HIV not explicitly included.

# Arizona

## ***Perinatal Quick Reference Guide:***

### **A Guide to Arizona Perinatal HIV Testing Laws for Clinicians**

January 27, 2009

This Perinatal Quick Reference Guide for clinicians is a summary of relevant Arizona perinatal state HIV testing laws. Note that if a section in this Quick Reference Guide reads “no specific provisions were found,” provisions actually might exist for this topic within the state’s statutes, codes, or rules and regulations, but probably are not essential to clinicians.

For a more complete synopsis of Arizona HIV testing laws, please refer to the corresponding section of the *State HIV Testing Laws Compendium* ([www.nccc.ucsf.edu](http://www.nccc.ucsf.edu)), “Testing of pregnant women and/or newborns.”

#### **Prenatal**

- **Initial visit**
  - No specific provisions regarding initial visit prenatal testing were found.
- **Third trimester**
  - No specific provisions regarding third trimester prenatal testing were found.

#### **Labor & Delivery**

- No specific provisions regarding labor & delivery testing were found.

#### **Neonatal**

- No specific provisions regarding neonatal testing were found.

#### **Other**

- N/A

**Arizona**  
**State Policies Relating to HIV Testing, 2009**

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**Arizona Revised Statutes [ARS]**

**Title 8: Children**..... Pages 3-4  
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**Title 36: Public Health and Safety**..... Pages 14-22  
**Title 44: Trade and Commerce** ..... Page 23

**Arizona Administrative Code [AAC]**

**Title 9: Health Services**..... Pages 24-27

	<b>Policy Category</b>	<b>Type</b>	<b>Section Code(s)</b>
<b>RESTRICTIONS/MADNATES</b>	Restrictions on use of HIV test	No related laws found	
	Mandatory testing within the criminal justice system	Juveniles convicted of a sex offense	ARS § 8-341
		Convicted sex offenders	ARS § 13-1415
		Potential transmission to victims	ARS § 13-1415
		Prisoners who pose health threat to others	ARS § 36-667
Mandatory testing outside of the criminal justice system	Mandated testing by court order in cases of possible exposure of public safety employee or volunteer or Arizona state hospital employee	ARS § 13-1210	
<b>PRE-TESTING</b>	Mandatory offering of HIV/AIDS information and/or testing	Pre-test explanation of testing and HIV required for informed consent	ARS § 36-663
	Informed consent	Oral or written informed consent required; patient may decline testing	ARS § 36-663 AAC R9-6-902
		Consent required for insurance testing	ARS § 20-448.01
		Foster care provider may not consent to testing for child	ARS § 8-514.05
Counseling requirements	Department employee must have expertise in counseling upon notifying third party of possible risk or exposure	ARS § 36-664	

	Anonymous testing	Verbal consent acceptable at anonymous testing sites	ARS § 36-663
		Consent form must inform patient of availability of anonymous testing	ARS § 36-663
POST-TESTING	Disclosure/confidentiality	Exceptions to confidentiality	ARS § 36-664 ARS § 36-665 AAC R9-6-339
		Partner notification	ARS § 36-664
		Provider may disclose patient status in cases of exposure	ARS § 32-2556
	Reporting	Name-based reporting	AAC R9-6-202 AAC R9-6-204
OTHER	Testing of pregnant women and/or newborns	No specific laws found	
	Testing of minors/adolescents	Minors may consent to diagnosis and treatment of venereal disease	ARS § 44.132.01
	Rapid HIV testing	No related laws found	
	Training and education of health care providers	No related laws found	

### Recommended Resources

#### Arizona Revised Statutes

<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp>

#### Arizona Administrative Code

[http://www.azsos.gov/public\\_services/Rules.htm](http://www.azsos.gov/public_services/Rules.htm)

#### Arizona Department of Health Services

<http://www.azdhs.gov/>

<b>Title 8: Children</b>
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<b>AZ Title 8 Code §</b>	<b>Code Language</b>
§ 8-341	<p><b>Disposition and commitment; definitions</b></p> <p>On the request of a victim of an act that may have involved significant exposure as defined in section 13-1415 or that if committed by an adult would be a sexual offense, the prosecuting attorney shall petition the adjudicating court to require that the juvenile be tested for the presence of the human immunodeficiency virus. If the victim is a minor the prosecuting attorney shall file this petition at the request of the victim's parent or guardian. If the act committed against a victim is an act that if committed by an adult would be a sexual offense or the court determines that sufficient evidence exists to indicate that significant exposure occurred, it shall order the department of juvenile corrections or the department of health services to test the juvenile pursuant to section 13-1415. Notwithstanding any law to the contrary, the department of juvenile corrections and the department of health services shall release the test results only to the victim, the delinquent juvenile, the delinquent juvenile's parent or guardian and a minor victim's parent or guardian and shall counsel them regarding the meaning and health implications of the results.</p>
§ 8-514.05	<p><b>Foster care provider access to child health information; consent to treatment</b></p> <p>A. If a health plan, a health care provider licensed or certified pursuant to title 32 or title XIX of the social security act or a health care institution licensed pursuant to title 36, chapter 4 has provided or is providing services to a child placed in out-of-home placement and has custody or control of that child's medical or behavioral health records, the plan, provider or institution must provide the following to the child's foster parent, group home staff, foster home staff, relative or other person or agency in whose care the child is currently placed pursuant to this article or article 4 of this chapter:</p> <ol style="list-style-type: none"> <li>1. Medical records.</li> <li>2. Behavioral health records.</li> <li>3. Information relating to the child's condition and treatment.</li> <li>4. The child's prescription and nonprescription drugs, medications, durable medical equipment, devices and related information.</li> </ol> <p>B. If a health plan, a health care provider licensed or certified pursuant to title 32 or title XIX of the social security act or a health care institution licensed pursuant to title 36, chapter 4 has provided or is providing services to a child for whom the department is the legal guardian or is providing foster care or substance abuse services and has custody or control of that child's medical or behavioral health records, the plan, provider or institution must provide the following to the department's employees who are involved in the child's case management:</p> <ol style="list-style-type: none"> <li>1. Medical records.</li> <li>2. Behavioral health records.</li> </ol>

<b>AZ Title 8 Code §</b>	<b>Code Language</b>
	<p>3. Information relating to the child's condition and treatment.</p> <p>4. The child's prescription and nonprescription drugs, medications, durable medical equipment, devices and related information.</p> <p>C. The foster parent, group home staff, foster home staff, relative or other person or agency in whose care the child is currently placed pursuant to this article or article 4 of this chapter:</p> <ol style="list-style-type: none"><li>1. May give consent for the following:<ol style="list-style-type: none"><li>(a) Evaluation and treatment for emergency conditions that are not life threatening.</li><li>(b) Routine medical and dental treatment and procedures, including early periodic screening diagnosis and treatment services, and services by health care providers to relieve pain or treat symptoms of common childhood illnesses or conditions.</li></ol></li><li>2. Shall not consent to:<ol style="list-style-type: none"><li>(a) General anesthesia.</li><li>(b) Surgery.</li><li>(c) Testing for the presence of the human immunodeficiency virus.</li><li>(d) Blood transfusions.</li><li>(e) Abortions.</li></ol></li></ol>

<b>Title 13: Criminal Code</b>
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<b>AZ Title 13 Code §</b>	<b>Code Language</b>
§ 13-1210	<p><b>Assaults on public safety employees or volunteers and state hospital employees; disease testing; petition; hearing; notice; definition</b></p> <p>A. A public safety employee or volunteer or the employing agency, officer or entity may petition the court for an order authorizing testing of another person for the human immunodeficiency virus, common blood borne diseases or other diseases specified in the petition if there are reasonable grounds to believe an exposure occurred and either of the following applies:</p> <ol style="list-style-type: none"> <li>1. The person is charged in any criminal complaint and the complaint alleges that the person interfered with the official duties of the public safety employee or volunteer by biting, scratching, spitting or transferring blood or other bodily fluids on or through the skin or membranes of the public safety employee or volunteer.</li> <li>2. There is probable cause to believe that the person interfered with the official duties of the public safety employee or volunteer by biting, scratching, spitting or transferring blood or other bodily fluids on or through the skin or membranes of the public safety employee or volunteer and that the person is deceased.</li> </ol> <p>B. An employee of the Arizona state hospital or the employing agency may petition the court for an order authorizing testing of another person for the human immunodeficiency virus, common blood borne diseases or other diseases specified in the petition if there are reasonable grounds to believe an exposure occurred and the person is a patient who is confined to the Arizona state hospital and who is alleged to have interfered with the official duties of the Arizona state hospital employee by biting, scratching, spitting or transferring blood or other bodily fluids on or through the skin or membranes of the Arizona state hospital employee.</p> <p>C. The court shall hear the petition promptly. If the court finds that probable cause exists to believe that a possible transfer of blood or other bodily fluids occurred between the person and the public safety employee or volunteer or the Arizona state hospital employee, the court shall order that either:</p> <ol style="list-style-type: none"> <li>1. The person provide two specimens of blood for testing.</li> <li>2. If the person is deceased, the medical examiner draw two specimens of blood for testing.</li> </ol> <p>D. Notwithstanding subsection C, paragraph 2 of this section, on written notice from the agency, officer or entity employing the public safety employee or volunteer, the medical examiner is authorized to draw two specimens of blood for testing during the autopsy or other examination of the deceased person's body. The medical examiner shall release the specimen to the employing agency, officer or entity for testing only after the court issues its order pursuant to subsection C, paragraph 2 of this section. If the court does not issue an order within thirty days after the medical examiner collects the specimen, the medical examiner shall destroy the specimen.</p> <p>E. Notice of the test results shall be provided as prescribed by the</p>

<b>AZ Title 13 Code §</b>	<b>Code Language</b>
	<p>department of health services to the person tested, to the public safety employee or volunteer or the Arizona state hospital employee named in the petition and employee's or volunteer's employing agency, officer or entity and, if the person tested is incarcerated or detained, to the officer in charge and the chief medical officer of the facility in which the person is incarcerated or detained.</p> <p>F. Section 36-665 does not apply to this section.</p> <p>G. For the purposes of this section:</p> <ol style="list-style-type: none"> <li>1. "Arizona state hospital" includes the Arizona community protection and treatment center.</li> <li>2. "Arizona state hospital employee" means an employee of the Arizona state hospital who has direct patient contact</li> <li>3. "Private prison security officer" means a security officer who is employed by a private contractor that contracts with a governmental entity to provide detention or incarceration facility services for offenders.</li> <li>4. "Public safety employee or volunteer" means a law enforcement officer, any employee or volunteer of a state or local law enforcement agency, a probation officer, a surveillance officer, an adult or juvenile correctional service officer, a detention officer, a private prison security officer, a firefighter or an emergency medical technician.</li> </ol>
§ 13-1415	<p><b>Human immunodeficiency virus and sexually transmitted disease testing; victim's rights; petition; definitions</b></p> <p>A. A defendant, including a defendant who is a minor, who is alleged to have committed a sexual offense or another offense involving significant exposure is subject to a court order that requires the defendant to submit to testing for the human immunodeficiency virus and other sexually transmitted diseases and to consent to the release of the test results to the victim.</p> <p>B. Pursuant to subsection A of this section, the prosecuting attorney, if requested by the victim, or, if the victim is a minor, by the parent or guardian of the minor, shall petition the court for an order requiring that the person submit a specimen, to be determined by the submitting entity, for laboratory testing by the department of health services or another licensed laboratory for the presence of the human immunodeficiency virus and other sexually transmitted diseases. The court, within ten days, shall determine if sufficient evidence exists to indicate that significant exposure occurred. If the court makes this finding or the act committed against the victim is a sexual offense it shall order that the testing be performed in compliance with rules adopted by the department of health services. The prosecuting attorney shall provide the victim's name and last known address of record to the department of health services for notification purposes. The victim's name and address are confidential, except that the department of health services may disclose the information to a local health department for victim notification purposes.</p> <p>C. After a specimen has been tested pursuant to subsection B of this section, the laboratory that performed the test shall report the results to the submitting entity.</p>

<b>AZ Title 13 Code §</b>	<b>Code Language</b>
	<p>D. The submitting entity shall provide the results to the department of health services or a local health department. The department of health services or a local health department shall notify the victim of the results of the test conducted pursuant to subsection B of this section and shall counsel the victim regarding the health implications of the results.</p> <p>E. The submitting entity or the department of health services shall notify the person tested of the results of the test conducted pursuant to subsection B of this section and shall counsel the person regarding the health implications of the results. If the submitting entity does not notify the person tested of the test results, the submitting entity shall provide both the name and last known address of record of the person tested and the test results to the department of health services or a local health department for notification purposes.</p> <p>F. Notwithstanding any other law, copies of the test results shall be provided only to the victim of the crime, the person tested, the submitting entity and the department of health services.</p> <p>G. For the purposes of this section:</p> <ol style="list-style-type: none"> <li>1. "Sexual offense" means oral sexual contact, sexual contact or sexual intercourse as defined in section 13-1401.</li> <li>2. "Sexually transmitted diseases" means: <ol style="list-style-type: none"> <li>(a) Chlamydia.</li> <li>(b) Genital herpes.</li> <li>(c) Gonorrhea.</li> <li>(d) Syphilis.</li> <li>(e) Trichomonas.</li> </ol> </li> <li>3. "Significant exposure" means contact of the victim's ruptured or broken skin or mucous membranes with a person's blood or body fluids, other than tears, saliva or perspiration, of a magnitude that the centers for disease control have epidemiologically demonstrated can result in transmission of the human immunodeficiency virus.</li> <li>4. "Submitting entity" means one of the following: <ol style="list-style-type: none"> <li>(a) A local health department.</li> <li>(b) A health unit of the state department of corrections.</li> <li>(c) A health unit of any detention facility.</li> <li>(d) A physician licensed pursuant to Title 32, Chapter 13, 17 or 29.</li> </ol> </li> </ol>

<b>Title 20: Insurance</b>
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<b>AZ Title 20 Code §</b>	<b>Code Language</b>
§ 20-448.01	<p><b>Required insurance procedures relating to HIV information; confidentiality; violations; penalties; definitions</b></p> <p>A. In this section unless the context otherwise requires:</p> <ol style="list-style-type: none"> <li>1. "Confidential HIV-related information" means information concerning whether a person has had an HIV-related test or has HIV infection, HIV-related illness or acquired immune deficiency syndrome and includes information which identifies or reasonably permits identification of that person or the person's contacts.</li> <li>2. "HIV" means the human immunodeficiency virus.</li> <li>3. "HIV-related test" means a laboratory test or series of tests for the virus, components of the virus or antibodies to the virus thought to indicate the presence of HIV infection.</li> <li>4. "Protected person" means a person who takes an HIV-related test or who has been diagnosed as having HIV infection, acquired immune deficiency syndrome or HIV-related illness.</li> <li>5. "Person" includes all entities subject to regulation under title 20, the employees, contractors and agents thereof, and anyone performing insurance related tasks for such entities, employees, contractors or agents.</li> </ol> <p>B. Except as otherwise specifically authorized or required by this state or by federal law, no person may require the performance of, or perform an HIV-related test without first receiving the specific written informed consent of the subject of the test who has capacity to consent or, if the subject lacks capacity to consent, of a person authorized pursuant to law to consent for that person. Written consent shall be in a form as prescribed by the director.</p> <p>C. No person who obtains confidential HIV-related information in the course of processing insurance information or insurance applications or pursuant to a release of confidential HIV-related information may disclose or be compelled to disclose that information except to the following:</p> <ol style="list-style-type: none"> <li>1. The protected person or, if the protected person lacks capacity to consent, a person authorized pursuant to law to consent for the protected person.</li> <li>2. A person to whom disclosure is authorized in writing pursuant to a release as set forth in subsection E of this section, including but not limited to a physician designated by the insured or a medical information exchange for insurers operated under procedures intended to ensure confidentiality, provided that in the case of a medical information exchange: <ol style="list-style-type: none"> <li>(a) The insurer will not report that blood tests of an applicant showed the presence of the AIDS virus antibodies, but only that unspecified blood test results were abnormal.</li> <li>(b) Reports must use a general code that also covers results of tests for many diseases or conditions, such as abnormal blood counts that are not related to HIV, AIDS, AIDS related complex or similar diseases.</li> </ol> </li> <li>3. A government agency specifically authorized by law to receive the information. The agency is authorized to redisclose the information only</li> </ol>

<b>AZ Title 20 Code §</b>	<b>Code Language</b>
	<p>pursuant to this section or as otherwise permitted by law.</p> <p>4. A person regulated by this title to which disclosure is ordered by a court or administrative body pursuant to section 36-665.</p> <p>5. The industrial commission or parties to an industrial commission claim pursuant to the provisions of section 23-908, subsection D and section 23-1043.02.</p> <p>D. Test results and application responses may be shared with the underwriting departments of the insurer and reinsurers, or to those contractually retained medical personnel, laboratories, and insurance affiliates, excluding agents and brokers, which are involved in underwriting decisions regarding the individual's application if disclosure is reasonably necessary to make the underwriting decision regarding such application, and claims information may be shared with claims personnel and attorneys reviewing claims if disclosure is reasonably necessary to process and resolve claims.</p> <p>E. A release of confidential HIV-related information pursuant to subsection C, paragraph 2 of this section shall be signed by the protected person or, if the protected person lacks capacity to consent, a person authorized pursuant to law to consent for the protected person. A release shall be dated and shall specify to whom disclosure is authorized, the purpose for disclosure and the time period during which the release is effective. A general authorization for the release of medical or other information is not a release of confidential HIV-related information unless the authorization specifically indicates its purpose as a general authorization and an authorization for the release of confidential HIV-related information and complies with the requirements of this section.</p> <p>F. A person to whom confidential HIV-related information is disclosed pursuant to this section shall not disclose the information to another person except as authorized by this section. This subsection does not apply to the protected person or a person who is authorized pursuant to law to consent for the protected person.</p> <p>G. If a disclosure of confidential HIV-related information is made pursuant to the provisions of a written release as permitted by subsection C, paragraph 2 of this section, the disclosure shall be accompanied by a statement in writing which warns that the information is from confidential records which are protected by state law that prohibits further disclosure of the information without the specific written consent of the person to whom it pertains or as otherwise permitted by law.</p> <p>H. The person making a disclosure in accordance with subsection C, paragraphs 3, 4 and 5, and subsection G of this section shall keep a record of all disclosures for the time period prescribed by the director. On request, a protected person or his legal representative shall have access to the record.</p> <p>I. Except as otherwise provided pursuant to this section or subject to an</p>

<b>AZ Title 20 Code §</b>	<b>Code Language</b>
	<p>order or search warrant issued pursuant to section 36-665, no person who receives confidential HIV-related information pursuant to a release of confidential HIV-related information may disclose that information to another person or legal entity or be compelled by subpoena, order, search warrant or other judicial process to disclose that information to another person or legal entity.</p> <p>J. The director shall adopt rules to implement the allowable tests and testing procedures, written consent to perform a human immunodeficiency virus related test, procedures for confidentiality and disclosure of medical information and procedures for gathering underwriting information and may adopt additional rules reasonable and necessary to implement this section.</p> <p>K. Notwithstanding any other provision of law to the contrary, nothing in this section shall be interpreted to restrict the director's authority to full access to records of any entity subject to regulation under title 20, including but not limited to all records containing confidential HIV-related information. The director may only redisclose confidential HIV-related information in accordance with this section.</p> <p>L. A protected person, whose rights provided in this section have been violated by a person or entity described in subsection A, paragraph 5 of this section, has those individual remedies specified in section 20-2118 against such a person or entity.</p>

<b>Title 32: Professions and Occupations</b>
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<b>AZ Title 32 Code §</b>	<b>Code Language</b>
§23-1043.02	<p><b>Human immunodeficiency virus; establishing exposure; definition</b></p> <p>A. A claim for a condition, infection, disease or disability involving or related to the human immunodeficiency virus or acquired immune deficiency syndrome shall include the occurrence of a significant exposure as defined in this section and, except as provided in subsection B of this section, shall be processed and determined under the provisions of this chapter and applicable principles of law.</p> <p>B. Notwithstanding any other law, an employee who satisfies the following conditions presents a prima facie claim for a condition, infection, disease or disability involving or related to the human immunodeficiency virus or acquired immune deficiency syndrome if the medical evidence shows to a reasonable degree of medical probability that the employee sustained a significant exposure within the meaning of this section:</p> <ol style="list-style-type: none"> <li>1. The employee's regular course of employment involves handling or exposure to blood or body fluids, other than tears, saliva or perspiration, including health care providers as defined in title 36, chapter 6, article 4, forensic laboratory workers, fire fighters, law enforcement officers, emergency medical technicians, paramedics and correctional officers.</li> <li>2. Within ten calendar days after a possible significant exposure which arises out of and in the course of his employment, the employee reports in writing to the employer the details of the exposure. The employer shall notify its insurance carrier or claims processor of the report. Failure of the employer to notify the insurance carrier is not a defense to a claim by the employee.</li> <li>3. The employee has blood drawn within ten days after the possible significant exposure, the blood is tested for the human immunodeficiency virus by antibody testing within thirty days after the exposure and the test results are negative.</li> <li>4. The employee is tested or diagnosed, according to clinical standards established by the centers for disease control of the United States public health service, as positive for the presence of the human immunodeficiency virus within eighteen months after the date of the possible significant exposure.</li> </ol> <p>C. On presentation or showing of a prima facie claim under this section, the employer may produce specific, relevant and probative evidence to dispute the underlying facts, to contest whether the exposure was significant as defined in this section, or to establish an alternative significant exposure involving the presence of the human immunodeficiency virus.</p> <p>D. A person alleged to be a source of a significant exposure shall not be compelled by subpoena or other court order to release confidential human immunodeficiency virus related information either by document or by oral testimony. Evidence of the alleged source's human immunodeficiency virus status may be introduced by either party if the alleged source knowingly and willingly consents to the release of that information.</p>

<b>AZ Title 32 Code §</b>	<b>Code Language</b>
	<p>E. Notwithstanding title 36, chapter 6, article 4, medical information regarding the employee obtained by a physician or surgeon is subject to the provisions of section 23-908, subsection D.</p> <p>F. The commission by rule shall prescribe requirements and forms regarding employee notification of the requirements of this section and the proper documentation of a significant exposure.</p> <p>G. For the purposes of this section, "significant exposure" means contact of an employee's ruptured or broken skin or mucous membrane with a person's blood or body fluids, other than tears, saliva or perspiration, of a magnitude that the centers for disease control have epidemiologically demonstrated can result in transmission of the human immunodeficiency virus. For purposes of filing a claim under this section, significant exposure does not include sexual activity or illegal drug use.</p>
§ 32-1483	<p><b>Notification to donors</b></p> <p>Pursuant to rules promulgated by the director of the department of health services, all federally registered blood banks, blood centers and plasma centers in this state shall notify blood donors of any test results with significant evidence suggestive of syphilis, HIV or hepatitis B.</p>
§ 32-2556	<p><b>Human immunodeficiency virus; disclosure; immunity; definition</b></p> <p>A. It is not an act of unprofessional conduct for a licensee to report to the department of health services the name of a patient's spouse, sex partner or person with whom the patient has shared hypodermic needles or syringes if the licensee knows that the patient tests positive for the human immunodeficiency virus and that the patient has not or will not notify these people and refer them to testing. Before reporting this information to the department of health services the licensee shall ask the patient to release this information voluntarily.</p> <p>B. It is not an act of unprofessional conduct for a licensee who knows or who has reason to believe that a significant exposure has occurred between a patient who tests positive for the human immunodeficiency virus and a health care worker or a public safety employee to inform the worker or employee of the exposure. Before disclosing this information the licensee shall ask the patient to disclose this information voluntarily. If the patient does not agree to do this the licensee may disclose the information in a manner that does not identify the patient.</p> <p>C. This section does not impose a duty to disclose information. A licensee is not subject to civil or criminal liability for either disclosing or not disclosing information.</p> <p>D. If a licensee decides to make a disclosure pursuant to this section the licensee may request the department of health services to make the disclosure on the licensee's behalf.</p>

<b>AZ Title 32 Code §</b>	<b>Code Language</b>
	E. For the purposes of this section, "significant exposure" means contact of a person's ruptured or broken skin or mucous membranes with another person's blood or body fluid, other than tears, saliva or perspiration, of a magnitude that the centers for disease control of the United States public health service have epidemiologically demonstrated can result in the transmission of the human immunodeficiency virus.

<b>Title 36: Public Health and Safety</b>
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<b>AZ Title 36 Code §</b>	<b>Code Language</b>
§ 36-661	<p><b>Definitions</b></p> <p>In this article, unless the context otherwise requires:</p> <ol style="list-style-type: none"> <li>1. "Acquired immune deficiency syndrome" has the same meaning as defined by the centers for disease control of the United States public health service.</li> <li>2. "Capacity to consent" means a person's ability, determined without regard to the person's age, to understand and appreciate the nature and consequences of a proposed health care service, treatment or procedure and to make an informed decision concerning that service, treatment or procedure.</li> <li>3. "Child" means an unemancipated person under eighteen years of age.</li> <li>4. "Communicable disease" means a contagious, epidemic or infectious disease required to be reported to the local board of health or the department pursuant to chapter 1 of this title and this chapter.</li> <li>5. "Communicable disease related information" means information regarding a communicable disease in the possession of a person who provides health services or who obtains the information pursuant to the release of communicable disease related information.</li> <li>6. "Contact" means a spouse or sex partner of a protected person, a person who has shared hypodermic needles or syringes with a protected person or a person otherwise exposed to a protected person with a communicable disease in a manner that poses an epidemiologically significant risk of transmission of that disease.</li> <li>7. "Department" means the department of health services.</li> <li>8. "Director" means the director of the department of health services.</li> <li>9. "Good samaritan" means a person who renders emergency care or assistance in good faith and without compensation at the scene of any accident, fire or other life-threatening emergency and who believes that a significant exposure risk occurred while the person rendered care or assistance.</li> <li>10. "Health care decision maker" has the same meaning prescribed in section 12-2801.</li> <li>11. "Health care provider" means a physician, nurse or other person involved in providing health services.</li> <li>12. "Health facility" means a health care institution as defined in section</li> </ol>

<b>AZ Title 36 Code §</b>	<b>Code Language</b>
	<p>36-401, a blood bank, blood center, milk bank, sperm bank, organ or tissue bank or clinical laboratory or a health care services organization holding a certificate of authority pursuant to section 20-1054.</p> <p>13. "Health service" means public or private care, treatment, clinical laboratory tests, counseling or educational service for adults or children and acute, chronic, custodial, residential, outpatient, home or other health care or activities related to the detection, reporting, prevention and control of communicable or preventable diseases.</p> <p>14. "HIV" means the human immunodeficiency virus.</p> <p>15. "HIV infection" means infection with the human immunodeficiency virus or a related virus identified as a probable causative agent of acquired immune deficiency syndrome.</p> <p>16. "HIV-related illness" means an illness that may result from or be associated with HIV infection.</p> <p>17. "HIV-related information" means information concerning whether a person has had an HIV-related test or has HIV infection, HIV-related illness or acquired immune deficiency syndrome and includes information that identifies or reasonably permits identification of that person or the person's contacts.</p> <p>18. "HIV-related test" means a laboratory test or series of tests for the virus, components of the virus or antibodies to the virus thought to indicate the presence of HIV infection.</p> <p>19. "Protected person" means a person who takes an HIV-related test or who has been diagnosed as having HIV infection, acquired immune deficiency syndrome, HIV-related illness or another communicable disease.</p> <p>20. "Significant exposure risk" means contact with another person in a manner that, if the other person has a communicable disease, poses an epidemiologically significant risk of transmission of that disease as determined by the department.</p>
§ 36-662	<p><b>Access to records</b></p> <p>In conducting an investigation of a reportable communicable disease the department of health services and local health departments may inspect and copy medical or laboratory records in the possession of or maintained by a health care provider or health care facility which are related to the diagnosis, treatment and control of the specific communicable disease case reported. Requests for records shall be made in writing by the appropriate officer of the department of health services or local health department and shall specify the communicable disease case and the patient under investigation.</p>

<b>AZ Title 36 Code §</b>	<b>Code Language</b>
§ 36-663	<p><b>HIV-related testing; restrictions; exceptions</b></p> <p>A. Except as otherwise specifically authorized or required by this state or by federal law, before an HIV-related test is ordered by a health care provider, the health care provider shall ensure that oral or written informed consent information is provided to the subject of the test who has capacity to consent or, if the subject lacks capacity to consent, of a person authorized pursuant to law to consent to health care for that person. For the purposes of this subsection, "informed consent information" means information that explains HIV infection and the meaning of a positive test result and that indicates that the patient may ask questions and decline testing.</p> <p>B. This section does not apply to the performance of an HIV-related test:</p> <ol style="list-style-type: none"> <li>1. By a health care provider or health facility in relation to the procuring, processing, distributing or use of a human body or a human body part, including organs, tissues, eyes, bones, arteries, blood, semen, milk or other body fluids, for use in medical research or therapy or for transplantation to other persons.</li> <li>2. For the purpose of research if the testing is performed in a manner by which the identity of the test subject is not known and may not be retrieved by the researcher.</li> <li>3. On a deceased person, if the test is conducted in order to determine the cause of death or for epidemiologic or public health purposes.</li> <li>4. In the course of providing necessary emergency medical treatment to a patient who lacks capacity to consent to HIV-related testing and for whom no person authorized pursuant to law to consent to health care for that person can be identified on a timely basis if the testing is necessary for the diagnosis and treatment of the emergency condition. The attending physician shall document the existence of an emergency medical condition, the necessity of the HIV-related testing to diagnose and treat the emergency condition and the patient's lack of capacity.</li> <li>5. On a patient who lacks capacity to consent and for whom no person authorized pursuant to law to consent to health care for that person can be identified on a timely basis if the HIV-related testing is directly related to and necessary for the diagnosis and treatment of the person's medical condition. HIV-related testing shall be performed under these circumstances only on written certification by the attending physician and a consulting physician that the HIV-related testing is directly related to and necessary for the diagnosis and treatment of the patient's medical condition.</li> <li>6. That is performed on an anonymous basis at a public health agency.</li> </ol>
§ 36-664	<p><b>Confidentiality; exceptions</b></p> <p>Text of section as amended by Laws 2004, Ch. 165 § 7 and 191 § 16,</p>

<b>AZ Title 36 Code §</b>	<b>Code Language</b>
	<p>blended</p> <p>A. A person who obtains communicable disease related information in the course of providing a health service or obtains that information from a health care provider pursuant to an authorization shall not disclose or be compelled to disclose that information except to the following:</p> <ol style="list-style-type: none"> <li>1. The protected person or, if the protected person lacks capacity to consent, the protected person's health care decision maker.</li> <li>2. The department or a local health department for purposes of notifying a good Samaritan pursuant to subsection E of this section.</li> <li>3. An agent or employee of a health facility or health care provider to provide health services to the protected person or the protected person's child or for billing or reimbursement for health services.</li> <li>4. A health facility or health care provider, in relation to the procurement, processing, distributing or use of a human body or a human body part, including organs, tissues, eyes, bones, arteries, blood, semen, milk or other body fluids, for use in medical education, research or therapy or for transplantation to another person.</li> <li>5. A health facility or health care provider, or an organization, committee or individual designated by the health facility or health care provider, that is engaged in the review of professional practices, including the review of the quality, utilization or necessity of medical care, or an accreditation or oversight review organization responsible for the review of professional practices at a health facility or by a health care provider.</li> <li>6. A private entity that accredits the health facility or health care provider and with whom the health facility or health care provider has an agreement requiring the agency to protect the confidentiality of patient information.</li> <li>7. A federal, state, county or local health officer if disclosure is mandated by federal or state law.</li> <li>8. A federal, state or local government agency authorized by law to receive the information. The agency is authorized to redisclose the information only pursuant to this article or as otherwise permitted by law.</li> <li>9. An authorized employee or agent of a federal, state or local government agency that supervises or monitors the health care provider or health facility or administers the program under which the health service is provided. An authorized employee or agent includes only an employee or agent who, in the ordinary course of business of the government agency, has access to records relating to the care or treatment of the protected person.</li> <li>10. A person, health care provider or health facility to which disclosure is ordered by a court or administrative body pursuant to section 36-665.</li> <li>11. The industrial commission or parties to an industrial commission claim pursuant to the provisions of section 23-908, subsection D and section 23-1043.02.</li> <li>12. Insurance entities pursuant to section 20-448.01 and third party payors or the payors' contractors.</li> <li>13. Any person or entity as authorized by the patient or the patient's health care decision maker.</li> </ol> <p>B. At the request of the department of economic security in conjunction with the placement of children in foster care or for adoption or court-ordered</p>

<b>AZ Title 36 Code §</b>	<b>Code Language</b>
	<p>placement, a health care provider shall disclose communicable disease information, including HIV-related information, to the department of economic security.</p> <p>C. A state, county or local health department or officer may disclose communicable disease related information if the disclosure is any of the following:</p> <ol style="list-style-type: none"> <li>1. Specifically authorized or required by federal or state law.</li> <li>2. Made pursuant to an authorization signed by the protected person or the protected person's health care decision maker.</li> <li>3. Made to a contact of the protected person. The disclosure shall be made without identifying the protected person.</li> <li>4. For the purposes of research as authorized by state and federal law.</li> </ol> <p>D. The director may authorize the release of information that identifies the protected person to the national center for health statistics of the United States public health service for the purposes of conducting a search of the national death index.</p> <p>E. The department or a local health department shall disclose communicable disease related information to a good Samaritan who submits a request to the department or the local health department. The request shall document the occurrence of the accident, fire or other life-threatening emergency and shall include information regarding the nature of the significant exposure risk. The department shall adopt rules that prescribe standards of significant exposure risk based on the best available medical evidence. The department shall adopt rules that establish procedures for processing requests from good Samaritans pursuant to this subsection. The rules shall provide that the disclosure to the good Samaritan shall not reveal the protected person's name and shall be accompanied by a written statement that warns the good Samaritan that the confidentiality of the information is protected by state law.</p> <p>F. An authorization to release communicable disease related information shall be signed by the protected person or, if the protected person lacks capacity to consent, the protected person's health care decision maker shall be dated and shall specify to whom disclosure is authorized, the purpose for disclosure and the time period during which the release is effective. A general authorization for the release of medical or other information, including communicable disease related information, is not an authorization for the release of HIV-related information unless the authorization specifically indicates its purpose as an authorization for the release of confidential HIV-related information and complies with the requirements of this section.</p> <p>G. A person to whom communicable disease related information is disclosed pursuant to this section shall not disclose the information to another person except as authorized by this section. This subsection does not apply to the protected person or a protected person's health care decision maker.</p>

<b>AZ Title 36 Code §</b>	<b>Code Language</b>
	<p>H. If a disclosure of communicable disease related information is made pursuant to an authorization under subsection F of this section, the disclosure shall be accompanied by a statement in writing that warns that the information is from confidential records protected by state law and that prohibits further disclosure of the information without the specific written authorization of the person to whom it pertains or as otherwise permitted by law.</p> <p>I. This section does not prohibit the listing of communicable disease related information, including acquired immune deficiency syndrome, HIV-related illness or HIV infection, in a certificate of death, autopsy report or other related document that is prepared pursuant to law to document the cause of death or that is prepared to release a body to a funeral director. This section does not modify a law or rule relating to access to death certificates, autopsy reports or other related documents.</p> <p>J. If a person in possession of HIV-related information reasonably believes that an identifiable third party is at risk of HIV infection, that person may report that risk to the department. The report shall be in writing and include the name and address of the identifiable third party and the name and address of the person making the report. The department shall contact the person at risk pursuant to rules adopted by the department. The department employee making the initial contact shall have expertise in counseling persons who have been exposed to or tested positive for HIV or acquired immune deficiency syndrome.</p> <p>K. Except as otherwise provided pursuant to this article or subject to an order or search warrant issued pursuant to section 36-665, a person who receives HIV-related information in the course of providing a health service or pursuant to a release of HIV-related information shall not disclose that information to another person or legal entity or be compelled by subpoena, order, search warrant or other judicial process to disclose that information to another person or legal entity.</p> <p>L. This section or sections 36-663, 36-666, 36-667 and 36-668 do not apply to persons or entities subject to regulation under title 20.</p>
§ 36-665	<p><b>Order for disclosure of communicable disease related information</b></p> <p>A. Notwithstanding any other law, no court or administrative body may issue an order for the disclosure of or a search warrant for communicable disease related information, except as provided by this section. An administrative body includes any administrative law judge or hearing officer presiding over matters relating to the administrative body.</p> <p>B. An order for disclosure of or a search warrant for communicable disease related information may be issued on an application showing any one of the following:</p> <ol style="list-style-type: none"> <li>1. A compelling need for disclosure of the information for the adjudication of a criminal, civil or administrative proceeding.</li> </ol>

<b>AZ Title 36 Code §</b>	<b>Code Language</b>
	<p>2. A clear and imminent danger to a person whose life or health may unknowingly be at significant risk as a result of contact with the person to whom the information pertains.</p> <p>3. If the application is filed by a state, county or local health officer, a clear and imminent danger to the public health.</p> <p>4. That the applicant is lawfully entitled to the disclosure and the disclosure is consistent with the provisions of this article.</p> <p>5. A clear and imminent danger to a person or to public health or a compelling need requiring disclosure of the communicable disease related information.</p> <p>C. On receiving an application pursuant to this section, the court or administrative body shall enter an order directing that the file be sealed and not made available to any person, except to the extent necessary to conduct a proceeding in connection with the determination of whether to grant or deny the application, including an appeal. The court or administrative body shall also order that all subsequent proceedings in connection with the application be conducted in camera and, if appropriate to prevent the unauthorized disclosure of communicable disease related information, that pleadings, papers, affidavits, judgments, orders, briefs and memoranda of law that are part of the application or the decision not state the name of the person concerning whom communicable disease related information is sought.</p> <p>D. The person concerning whom the information is sought and a person holding records from whom disclosure is sought shall be given adequate notice of the application in a manner which does not disclose to any other person the identity of the person and may file a written response to the application or appear in person for the limited purpose of providing evidence on the criteria for the issuance of an order pursuant to this section.</p> <p>E. The court or administrative body may grant an order without notice and an opportunity to be heard if an ex parte application by a public health officer shows that a clear and imminent danger to a person whose life or health may unknowingly be at risk requires an immediate order and that notice to the individual about whom the information is sought is not reasonable under the circumstances.</p> <p>F. Service of a subpoena is not required for actions brought pursuant to subsections D and E.</p> <p>G. In assessing compelling need and clear and imminent danger, the court or administrative body shall provide written findings of fact, including scientific or medical findings, citing specific evidence in the record which supports each finding, and shall weigh the need for disclosure against the privacy interest of the protected person and the public interest which may be disserved by disclosure which deters future testing or treatment or which may lead to discrimination.</p> <p>H. An order authorizing disclosure of or a search warrant for communicable</p>

<b>AZ Title 36 Code §</b>	<b>Code Language</b>
	<p>disease related information shall:</p> <ol style="list-style-type: none"> <li>1. Limit disclosure to that information which is necessary to fulfill the purpose for which the order is granted.</li> <li>2. Limit disclosure to those persons whose need for the information is the basis for the order, and specifically prohibit redisclosure by persons to any other persons, whether or not they are parties to the action.</li> <li>3. To the extent possible consistent with this section, conform to the provisions of this article.</li> <li>4. Include other measures as deemed necessary to limit disclosures not authorized by the order.</li> </ol> <p>I. Notwithstanding any other law, a court or administrative body shall not order the department, a county health department or a local health department to release HIV-related information in its possession.</p>
§ 36-666	<p><b>Violation; classification; immunity</b></p> <p>A. A person who knowingly does the following is guilty of a class 3 misdemeanor:</p> <ol style="list-style-type: none"> <li>1. Performs, or permits or procures the performance of, an HIV-related test in violation of this article.</li> <li>2. Discloses, compels another person to disclose or procures the disclosure of communicable disease related information in violation of this article.</li> </ol> <p>B. A person, health facility or health care provider disclosing communicable disease related information pursuant to or required by this article is immune from civil or criminal liability if the person, health care facility or health care provider acted in good faith and without malice.</p> <p>C. A health facility or health care provider, including a physician, the physician's employer or the health care facility or health care provider with which the physician is associated, is immune from civil or criminal liability for failing to disclose communicable disease related information to a contact or a person authorized pursuant to law to consent to health care for a protected person if the health facility or health care provider acted in good faith and without malice.</p> <p>D. For the purposes of this section, good faith and the absence of malice are presumed unless the presumption is overcome by a demonstration of clear and convincing evidence to the contrary.</p>
§ 36-667	<p><b>Civil penalty</b></p> <p>A. The department may impose a civil penalty of not more than five thousand dollars if a person does the following in violation of this article:</p> <ol style="list-style-type: none"> <li>1. Performs, or permits or procures the performance of, an HIV-related test in violation of this article.</li> <li>2. Discloses, compels another person to disclose or procures the disclosure of communicable disease related information in violation of this article.</li> </ol>

<b>AZ Title 36 Code §</b>	<b>Code Language</b>
	B. The director shall deposit, pursuant to sections 35-146 and 35-147, all monies collected pursuant to this section in the state general fund.
§ 36-669	<b>Human immunodeficiency testing of prisoners</b>  The state department of corrections in consultation with the department of health services may require that a prisoner be tested for the human immunodeficiency virus if the department of corrections has reasonable grounds to believe that the person is infected with the human immunodeficiency virus and is a health threat to others.

**Title 44: Trade and Commerce**

<b>AZ Title 44 Code §</b>	<b>Code Language</b>
§ 44.132.01	<p><b>Capacity of minor to obtain treatment for venereal disease without consent of parent</b></p> <p>Notwithstanding any other provision of the law, a minor who may have contracted a venereal disease may give consent to the furnishing of hospital or medical care related to the diagnosis or treatment of such disease and such consent shall not be subject to disaffirmance because of minority. The consent of the parent, parents or legal guardian of such a person shall not be necessary in order to authorize hospital or medical care.</p>

<b>Arizona Administrative Code – Title 9: Health Services</b>
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<b>Title 9 AAC</b>	<b>Code Language</b>
R9-6-202	<p><b>Reporting Requirements for a Health Care Provider or an Administrator of a Health Care Institution or Correctional Facility</b></p> <p>F. A health care provider who orders an HIV-related test on an infant who was perinatally exposed to HIV to determine whether the infant is infected with HIV or an administrator of a health care institution in which an HIV-related test is ordered on an infant who was perinatally exposed to HIV to determine whether the infant is infected with HIV shall, either personally or through a representative, report the following to the Department within five working days after receiving the results of the HIV-related test:</p> <ol style="list-style-type: none"> <li>1. The name of the infant;</li> <li>2. The name of the infant's mother;</li> <li>3. The infant's date of birth;</li> <li>4. The type of HIV-related test ordered;</li> <li>5. The date of the HIV-related test;</li> <li>6. The results of the HIV-related test; and</li> <li>7. The ordering health care provider's name, address, and telephone number.</li> </ol>
R9-6-204	<p><b>Clinical Laboratory Director Reporting Requirements</b></p> <p>A. A director of a clinical laboratory that obtains a test result described in Table 3 or that receives a specimen for detection of an infectious agent or toxin listed in Table 3 shall, either personally or through a representative, submit a report and, if applicable, an isolate to the Department within the time limitation and as specified in Table 3 and subsection (B) or (C).</p> <p>B. Except as provided in Table 3, for each test result for which a report is required by subsection (A) and Table 3, a clinical laboratory director shall submit a report that includes:</p> <ol style="list-style-type: none"> <li>1. Unless the test result is from anonymous HIV testing as described in R9-6-339, the name and, if available, the address and telephone number of the subject;</li> <li>2. Unless the test result is from anonymous HIV testing as described in R9-6-339, the date of birth of the subject;</li> <li>3. The laboratory identification number;</li> <li>4. The specimen type;</li> <li>5. The date of collection of the specimen;</li> <li>6. The type of test completed on the specimen;</li> <li>7. The test result, including quantitative values if available; and</li> <li>8. The ordering health care provider's name and telephone number.</li> </ol> <p>C. For each specimen for which an immediate report is required by subsection (A) and Table 3, a clinical laboratory director shall submit a report that includes:</p> <ol style="list-style-type: none"> <li>1. The name and, if available, the address and telephone number of the subject;</li> <li>2. The date of birth of the subject;</li> </ol>

<b>Title 9 AAC</b>	<b>Code Language</b>
	<p>3. The laboratory identification number;</p> <p>4. The specimen type;</p> <p>5. The date of collection of the specimen;</p> <p>6. The type of test ordered on the specimen; and</p> <p>7. The ordering health care provider's name and telephone number.</p> <p>D. A clinical laboratory director shall submit a report by telephone; in a document sent by fax, delivery service, or mail; or through an electronic reporting system authorized by the Department. Except as provided in Table 3, each report shall contain the information required under subsection (B) or (C).</p>
R9-6-339	<p><b>Human Immunodeficiency Virus (HIV) Infection and Related Disease</b></p> <p>A. Case control measures:</p> <ol style="list-style-type: none"> <li>1. A local health agency shall conduct an epidemiologic investigation of each reported HIV case, suspect case, or carrier within 30 days after receiving a report. Upon completion of an epidemiologic investigation, a local health agency shall not retain any personal identifying information about the case, suspect case, or carrier.</li> <li>2. The operator of a blood bank, blood center, or plasma center shall notify a donor of a test result with significant evidence suggestive of HIV infection, as required under A.R.S. § 32-1483 and 21 CFR 630.6.</li> <li>3. A counseling and testing site supervised by the Department or by a local health agency shall offer anonymous testing. The Department or local health agency shall collect the following epidemiologic information about each individual opting for anonymous testing: <ol style="list-style-type: none"> <li>a. Age,</li> <li>b. Race and ethnicity,</li> <li>c. Gender,</li> <li>d. County of residence, and</li> <li>e. HIV-associated risk behaviors.</li> </ol> </li> <li>4. The Department shall confidentially notify an identifiable third party reported to be at risk of HIV infection under A.R.S. § 36-664(K) if all of the following conditions are met: <ol style="list-style-type: none"> <li>a. The Department receives the report of risk in a document that includes the following: <ol style="list-style-type: none"> <li>i. The name and address of the identifiable third party,</li> <li>ii. The name and address of the individual placing the identifiable third party at risk,</li> <li>iii. The name and address of the individual making the report, and</li> <li>iv. The type of exposure placing the identifiable third party at risk;</li> </ol> </li> <li>b. The individual making the report is in possession of confidential HIV-related information; and</li> <li>c. The Department determines that the information provided in the report is accurate and sufficient to warrant notification of the identifiable third party.</li> </ol> </li> <li>5. As authorized under A.R.S. § 36-136(L), a local health agency shall notify the superintendent of a school district, as defined in A.R.S. § 15-101, in a confidential document that a pupil of the school district is a case or carrier of HIV if the following criteria are met:</li> </ol>

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	<p>a. The local health agency determines by consulting with the Department that the pupil places others in the school setting at risk for HIV infection; and</p> <p>b. The school district has an HIV policy that includes the following provisions:</p> <ul style="list-style-type: none"> <li>i. That a school shall not exclude an infected pupil from attending school or school functions or from participating in school activities solely due to HIV infection;</li> <li>ii. That the school district shall establish a group to determine on a case-by-case basis whether an infected pupil should be permitted to attend school by considering the risks and benefits to the pupil and to others if the pupil attends school;</li> <li>iii. That the group described in subsection (A)(5)(b)(ii) shall include the superintendent of the school district, the parents or guardians of a minor pupil, the pupil if the pupil is not a minor or is emancipated, the pupil's physician, and the local health officer, and may include an administrator of a school, a school nurse, and a teacher or counselor of the pupil;</li> <li>iv. That school district personnel who are informed of the pupil's HIV infection shall keep that information confidential;</li> <li>v. That the school district shall provide HIV education programs to pupils, parents or guardians of pupils, and school district personnel through age-appropriate curricula, workshops, or in-service training sessions; and</li> <li>vi. That school district personnel who handle blood or body fluids shall comply with Elizabeth A. Bolyard et al., Guideline for Infection Control in Health Care Personnel, 1998 (1998), incorporated by reference; on file with the Department and the Office of the Secretary of State; available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161; and including no future editions or amendments.</li> </ul> <p>B. Environmental control measures: An employer, as defined under A.R.S. § 23-401, or health care provider shall comply with 29 CFR 1910.1030 (as of November 7, 2002), as required by A.R.S. § 23-403 and A.A.C. R20-5-602.</p>
R9-6-902	<p><b>Consent for HIV-related Testing</b></p> <p>A. An individual ordering an HIV-related test shall obtain consent for the test, unless the test has been ordered by a court under A.R.S. §§ 8-341, 13-1210, or 13-1415 or falls under A.R.S. § 36-663(D).</p> <ul style="list-style-type: none"> <li>1. If the test is ordered in a hospital, the individual ordering the test shall obtain written informed consent as specified in subsection (B).</li> <li>2. If the test is ordered outside a hospital by a physician, a registered nurse practitioner, or a physician's assistant, the individual ordering the test shall obtain either written informed consent as specified in subsection (B) or oral informed consent.</li> <li>3. If the test is ordered outside a hospital by a health professional licensed under A.R.S. Title 32, but not listed in subsection (A)(2),</li> </ul>

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	<p>who is authorized to provide HIV-related tests within the health professional's scope of practice, the individual ordering the test shall obtain written informed consent as specified in subsection (B).</p> <p>4. If the HIV-related test is performed anonymously, the individual ordering the test shall obtain oral consent and shall not make a record containing personal identifying information about the subject.</p> <p>B. An individual obtaining written, informed consent for an HIV-related test shall use the form shown in Exhibit A (English) or Exhibit B (Spanish).</p> <p>1. Except as described in subsection (A)(4), an individual using the consent form may add the following information in the Identifying Information section of the form:</p> <ol style="list-style-type: none"> <li>a. The subject's name and identifying number,</li> <li>b. Facility identifying information,</li> <li>c. Facility processing codes,</li> <li>d. The subject's race and ethnicity,</li> <li>e. The subject's address, and</li> <li>f. The subject's date of birth and sex.</li> </ol> <p>2. This form may be reproduced to accommodate a multiple copy or carbonless form.</p>
R9-6-903	<p><b>Court-ordered HIV-related Testing</b></p> <p>A. An individual who tests a specimen of blood or another body fluid to detect HIV antibody under court order issued under A.R.S. §§ 8-341 or 13-1415 shall use a test licensed by the United States Food and Drug Administration for use in HIV screening. If a specimen is reactive two or more times according to the test manufacturer's recommendations, the individual shall retest the specimen using a licensed supplemental or confirmatory assay or as recommended by the original test manufacturer's package insert.</p> <p>B. The individual shall report each test result for each subject directly to the Department.</p>