

## ACT 265

H.B. NO. 3164

A Bill for an Act Relating to Health Care Workers.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to authorize the director of health to appoint advisory committees to advise health care workers infected with the human immunodeficiency virus (HIV), hepatitis B virus (HBV), or other blood-borne infections. This is to comply with guidelines of the Centers for Disease Control, issued in July of 1991, entitled "Recommendations for Preventing the Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Patients during Exposure-prone Invasive Procedures." Federal law requires states to adopt the Centers for Disease Control recommendations or their equivalent or else risk losing federal public health funds.

The director of health, with the assistance of an ad hoc advisory group broadly representative of the health-care community, has issued a policy statement and guidelines that have been approved by the Centers for Disease Control. The guidelines provide for convening advisory committees to advise health care workers infected with HIV, HBV, or other blood-borne infections on the risks of transmission of the diseases. However, health care workers are needed to serve on the advisory committees, but they are reluctant to do so unless they receive the statutory protections available to members of boards and commissions while serving on advisory committees. The legislature finds that it is in the public interest to assure that qualified people are willing to serve on advisory committees.

SECTION 2. Chapter 325, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§325- Advisory committees for health care workers infected with blood-borne infections.** (a) The director of health may appoint ad hoc advisory committees as needed to provide advice and recommendations to health care workers infected with HIV, HBV, or other blood borne infections on the risks of blood-borne disease transmission through exposure-prone invasive procedures. An advisory committee may recommend changes in a health care worker's practice, including patient notification, to reduce the possibility of transmission to patients. Each committee shall include:

- (1) An infectious disease specialist with expertise appropriate to the case; and
- (2) A professional peer of the infected health care worker, who has expertise in the professional practice performed by that worker.

The committee may also include the health care worker's personal physician and, if the worker's practice is facility-based, members of the facility's infection control committee. The department of health shall provide oversight and necessary staff support to the advisory committees when resources permit.

(b) An advisory committee shall serve only as long as necessary for the particular case or cases for which the committee is appointed, but its members may be named to subsequent committees as needed. Members of advisory committees shall serve without compensation, but shall be reimbursed for travel expenses as necessary by the department of health for the performance of their duties.

(c) Notwithstanding any law to the contrary, work of the advisory committees, including records, shall be confidential, except that a summary of non-identifying information and general policy recommendations may be made available to the public. All committee meetings shall be closed to the public."

SECTION 3. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect upon its approval.

(Approved July 1, 1994.)

**Note**

1. Edited pursuant to HRS §23G-16.5.