

# Senate Health and Human Services Committee

*Kyle Baker 271-2609*

**SB 59**, relative to blood testing orders.

**Hearing Date:** January 24, 2017

**Time Opened:** 1:00 p.m.

**Time Closed:** 1:55 p.m.

**Members of the Committee Present:** Senators Bradley, Avard, Gray, Fuller Clark and Hennessey

**Members of the Committee Absent :** None

**Bill Analysis:** This bill creates a process for certain individuals to request a blood testing order when they have been exposed to a source individual's bodily fluids.

**Sponsors:**

Sen. D'Allesandro  
Rep. Goley  
Rep. Soucy

Sen. Bradley  
Rep. White  
Rep. O'Brien

Sen. Carson  
Rep. Proulx

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**Who supports the bill:** Senator Sharon Carson, SD# 14; Doug Patch, NH Assn Fire Chiefs; Rep. David Sullivan, Hills 8; Lisa Sullivan, NH Assoc. of Nurse Anesthetists; Bob Blaisdell, NH Police Association, NH Troopers Association; John DeJoie, NH AFL-CIO; Ken Chamberlain, NH Police Association; Nick Mercuri, Dept of Safety; Paula Holigan, Dept of Safety; Chris Stawasz, American Medical Response; Kathy Bizarro-Thunberg, NH Hospital Association; Dario Soalco, Professional Firefighters of NH; Peter Bartlett, Hooksett Police Department; Timothy King

**Who opposes the bill:** None

**Who is neutral on the bill:** John Williams, DHHS; Krista Morriss, DHHS

**Summary of testimony presented in support:**

**Senator D'Allesandro – Senate District 20**

- The bill creates a process for an emergency responder to request a blood test after an exposure to another person's bodily fluids.
- With the increase in drug use we have seen an increase in the presence of dirty needles and unfortunately accidental exposures.
- The sharing of needles has increased the spread of HIV and other blood borne diseases
- First responders have a duty to act and a duty to care and this increases their

exposure to bodily fluids

- Currently if there is an exposure the patient needs to consent to blood testing and if there no consent the person who has been exposed to bodily fluids must go on a 6 month long treatment of very expensive medications (up to \$24,000).
- This medication has severe side effects and can often make a person sick for the length of time they are taking the medication.

#### **Ken Chamberlain – NH Police Association**

- Over the course of his career he has seen many officers exposed to bodily fluids.
- Drug addicts often hide dirty needles in different areas that are often harder to search.
- Shared a story about an officer who was exposed to bodily fluids after rendering medical care to a stabbing victim. The suspect did not immediately give consent to test their blood for diseases and it caused a lot of stress for the officer.
- If you do not have consent to test someone's blood, the exposed goes on a 6 month cycle of medication that is very costly and often has very negative side effects.
- There are countless stories of officers who have been exposed and it is not always easy to get consent for blood testing.

**Senator Avar** – Is this bill saying that if an officer gets assaulted and is exposed to bodily fluids the officer or responder can have the testing done without consent?

**Chamberlin** – Currently if a crime is committed against a first responder that results in the exposure to bodily fluids, there is a system that allows for the testing of blood with or without consent. This bill would address the cases where there is no criminal act committed against the officer.

**Senator Avar** – Would this apply to EMS as well?

**Chamberlin** – This bill would apply to all first responders.

**Senator Avar** – What about good Samaritans?

**Chamberlin** - Not as written. But it could be looked at in the future.

#### **Nick Mercuri – Dept. of Safety, Bureau of EMS**

- The department is in support of this bill.
- We want to help people as much as possible but we want to keep ourselves as safe as possible.
- There are many different infectious diseases that providers are exposed to even with the best personal protection equipment and training.
- There is due process in this bill as the order has to come from a court. The decision cannot be made by a doctor in the emergency room.
- HIPPA is a requirement and this bill maintains that balance between patient privacy and provider safety.
- Being put on medication because we cannot use the tests available is very costly and would reduce stress for the first responder involved.
- There may be a better RSA to put this under and the Department of Safety will

- continue have conversations with HHS to find the best place for this program.
- Would have one recommendation, remove the 3 day waiting period.

**Senator Avard** – Would there be an objection to adding teachers to this?

**Mercuri** – Cannot think of any objections at this time.

**Chris Stawasz – AMR, Regional Director**

- Largest provider of EMS services in the state.
- Important piece of legislation for AMR.
- In 2016 AMR responded to 1100 suspected overdoses and each call is a possibility for exposure to bodily fluids and infectious diseases.
- First responders train on the best practices for dealing with bodily fluids and even with the best protection equipment exposures happen.
- Many patients are cooperative for EMS exposures but not everyone is and this would give first responders another layer of protection in these cases.

**Peter Bartlett – Hooksett Police Chief, NH Chiefs of Police Association**

- Would like to add that workers compensation insurance would cover a lot of the costs that are being brought up.
- This is very important for the First Responders in our state.
- 3 Day waiting period in law enforcement is a long time, if a person is arrested and makes bail, they can be gone before the 3 day period runs out.
- First responders have families and lives to go back to and they do not want to bring home diseases if there is a simple test to put them at ease.

**Senator Fuller-Clark** – How do you go about applying for a testing order?

**Bartlett** – It would be through the court process.

**Senator Fuller-Clark** – Do you think the courts would be able to turn around this application in the time needed?

**Bartlett** – The bill states the court will turn it around as quickly as possible. The bill right now states you need to wait three days before you can even make the request.

**Senator Fuller-Clark** – So what you're saying that you should take the sample right away but it wouldn't be tested until you received the court order.

**Bartlett** - That is definitely a possibility.

**Bob Blaisdell – NH Police Association**

- Would just like to point out that on page 4 line 21 cites that workers comp insurance would pay for the testing.

**Summary of testimony presented in opposition:** None

## **Neutral Information Presented:**

### **John Williams & Krista Morris – DHHS**

- DHHS has just recently been alerted that there may be a proposed amendment to move this program from safety .
- There is no Fiscal Note attached to this bill and even though we see the merits of this legislation, the department needs to critically look at this to find out what the true cost is.
- As far as adding teachers to the list of people covered, you might want to use a more general term such as “school personnel” to cover all involved.
- Would be hesitant to remove the 3 day waiting period. It allows for a much more expedited process because if you are finding that 90% of source individuals are cooperative, there is no reason to process a court order for every exposure.
- We would also like to recommend adding all hospital staff to the list of those covered.
- It is important to note that there is a cost to this and staffing needs that might not already exist.

**Senator Gray** – Who are the right people to talk with to identify who should be covered, The list seems to be endless?

**Williams** – We have identified a critical population with first responders needing this but I think it would be good to question the department to identify at risk professions.

**Future Action:** Pending