

Idaho

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April 8, 2011

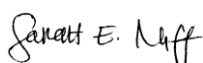
To the Reader:

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 updates and verification concurrent with all changes. We encourage readers to send updates (with citations when possible) and comments to Sarah Neff at neffs@nccc.ucsf.edu.

Thank you,



Sarah E. Neff, MPH
Director of Research and Evaluation

&



Ronald H. Goldschmidt, MD
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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

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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.¹
 - **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.¹
- **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.²
- **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.¹
- **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.³
- **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: neffs@nccc.ucsf.edu

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

¹ 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>

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

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

Idaho

A Quick Reference Guide for Clinicians to Idaho HIV Testing Laws

April 8, 2011

This Quick Reference Guide for clinicians is a summary of relevant Idaho 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 Idaho HIV testing laws, please refer to the section of the Compendium that follows this Quick Reference Guide.

Informed Consent

- No specific provisions regarding informed consent were found.

Counseling

- No specific provisions regarding counseling were found.

Provisos of Testing

- **Anonymous**
 - Availability of anonymous testing is not required.
- **Rapid**
 - No specific provisions regarding rapid testing were found.
- **Routine**
 - No specific provisions regarding routine testing were found.

Disclosure

- No specific provisions regarding disclosure were found.

Minor/Adolescent Testing

- Persons 14 years of age or older may consent to testing for communicable diseases, HIV explicitly included.

Idaho

Perinatal Quick Reference Guide:

A Guide to Idaho Perinatal HIV Testing Laws for Clinicians

April 8, 2011

This Perinatal Quick Reference Guide for clinicians is a summary of relevant Idaho 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 Idaho HIV testing laws, please refer to the corresponding section of the *State HIV Testing Laws Compendium* (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

Idaho

State Policies Relating to HIV Testing, 2011

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Idaho Statutes [ID Code]

Title 20: State Prison and County Jails	Pages 3-4
Title 39: Health and Safety	Pages 5-10

Idaho Administrative Code [IDAPA]

Title 16: Department of Health and Welfare	Pages 11-13
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	Policy Category	Type	Section Code(s)
RESTRICTIONS/MADNATES	Restrictions on use of HIV test	No related laws found	
	Mandatory testing within the criminal justice system	All inmates, upon admittance and release	ID Code §39-604
		All persons who are charged with any sex offense in which body fluid has likely been transmitted to another	ID Code §39-604
		Potential transmission to victim	ID Code §39-604
		All persons, including juveniles, charged with a sex offense	ID Code §39-604
	Mandatory testing outside of the criminal justice system	Threats to public health	ID Code §39-603
		Anatomical gifts	ID Code §39-3703 ID Code §39-604
		Required testing of donors of tissue, blood products, semen, ova, embryos, and human milk	IDAPA 16.02.07.004 IDAPA 16.02.07.008
		Every hospital, bank or other storage facility where a person has donated semen shall use all reasonable means to detect if the donor has	ID Code §39-5408
	PRE-TESTING	Mandatory offering of HIV/AIDS information and/or testing	Medical and counseling services must be offered to inmates exposed to HIV
Educational pamphlet regarding HIV/ AIDS must be given to marriage license applicants			ID Code §32-412A
Informed consent		Consent required for anatomical donors	ID Code §39-3411
Counseling requirements		HIV counseling must be offered	ID Code §39-604

		to victims of sex offenses if offender tests positive	
		HIV counseling must be provided for prisoners exposed to HIV	ID Code § 20-209
	Anonymous testing	No related laws found; confidential testing only	
POST-TEST	Disclosure/confidentiality	HIV test results as confidential	ID Code §39-606 ID Code §39-610
		When necessary, disclosure in health worker exposure cases, emergency medical services, school authorities, funeral directors	ID Code §39-609 ID Code §39-610
		Penalties for unauthorized disclosure of HIV results	ID Code §39-606
	Reporting	Name-based reporting	IDAPA 16.02.10-010
OTHER	Testing of pregnant women and/or newborns	No related laws found	
	Testing of minors/adolescents	Minors 14 years or older may consent to diagnosis and treatment for communicable diseases; HIV explicitly included	ID Code §39-3801 IDAPA 16.02.10-015
	Rapid HIV testing	No related laws found	
	Training and education of health care providers	No related laws found	

Recommended Resources

Idaho Statutes

<http://www3.state.id.us/idstat/TOC/idstTOC.html>

Idaho Administrative Code

<http://adm.idaho.gov/adminrules/>

Idaho Department of Health and Welfare

<http://www.healthandwelfare.idaho.gov/>

Title 20: State Prison and County Jails	
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ID Title 20 Code §	Code Language
§ 20-209	<p>Control and management of correctional facilities and prisoners -- Rules</p> <p>(1) The state board of correction shall have the control, direction and management of such correctional facilities as may be acquired for use by the state board of correction and all property owned or used in connection therewith, and shall provide for the care, maintenance and employment of all prisoners now or hereinafter committed to its custody.</p> <p>(2) The state board of correction shall have the authority to enter into contracts with private prison contractors for the site selection, design, design/building, acquisition, construction, construction management, maintenance, leasing, leasing/purchasing, management or operation of private prison facilities or any combination of those services subject to the requirements and limitations set forth in section 20-241A, Idaho Code.</p> <p>(3) The state board of correction shall have the authority to promulgate rules required by law or necessary or desirable to carry out all duties assigned to the department of correction pursuant to the provisions of chapter 8, title 20, Idaho Code, which authority shall include the power and duties to prescribe standards, rules and procedures for licensure of private prison contractors, to develop and provide, in conjunction with the department of administration, a uniform contract for use by local contracting authorities in contracting with private prison contractors, to review records and historical information of all prisoners proposed to be housed in private prison facilities and to approve or reject the housing of all prisoners, to monitor the status of insurance of private prison contractors, to approve suitable training programs for firearm certification for employees of private prison contractors and to approve suitable drug testing programs for prisoners housed with private prison contractors. All final decisions by the board shall be subject to review pursuant to the provisions and procedures of the administrative procedure act, chapter 52, title 67, Idaho Code.</p> <p>(4) The state board of correction is authorized to provide medical and counseling services to those prisoners who have been exposed to the HIV (human immunodeficiency virus) which causes acquired immunodeficiency syndrome (AIDS) or who have been diagnosed as having contracted a human immunodeficiency viral disease.</p> <p>(5) The state board of correction should provide educational and informational services to prisoners housed in Idaho and to its department employees in order to assure that the transmission of HIV within correctional facilities is diminished.</p>

ID Title 20 Code §	Code Language
§ 20-807	<p>Out-of-state prisoners</p> <p>e) Before transferring the prisoner to Idaho, the private prison contractor shall obtain prior approval of the department of correction pursuant to the provisions of this chapter. Prior to housing any proposed prisoner in the private prison facility, all records in the possession of, or available to, the sending entity including, but not limited to, classification, medical information, conduct and confinement history of the prisoner shall be provided to the department of correction for review and the department shall have the authority to approve or reject housing of the prisoner based on standards as set forth pursuant to this chapter. Provided however, that in lieu of providing medical information of a prisoner, a sending entity may elect to certify, by a physician licensed in this state and employed by, or under contract with, the private prison facility, that the prisoner under consideration for placement in the facility has been tested, and has not tested positive, for the presence of HIV antibodies or antigens, hepatitis B virus, hepatitis C virus and tuberculosis;</p>

Title 39: Health and Safety

ID Title 39 Code §	Code Language
§ 39-603	<p>Examination, treatment, and quarantine -- repression of prostitution</p> <p>State, county and municipal health officers, or their authorized deputies, within their respective jurisdiction, are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations, or have examinations made by competent physician, of persons reasonably suspected of being infected with venereal disease, and to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured, or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons affected with venereal disease. It shall be the duty of all local and state health officers to investigate sources of infection of venereal diseases, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.</p>
§ 39-604	<p>Confined and imprisoned persons -- Examination, treatment, and quarantine -- Victims of sexual offenses -- Access to offenders' test results, testing for HIV, counseling and referral services</p> <p>(1) All persons who shall be confined or imprisoned in any state prison facility in this state shall be examined for on admission, and again before release, and, if infected, treated for the diseases enumerated in section 39-601, Idaho Code, and this examination shall include a test for HIV antibodies or antigens. This examination is not intended to limit any usual or customary medical examinations that might be indicated during a person's imprisonment. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.</p> <p>(2) All persons who shall be confined in any county or city jail may be examined for and, if infected, treated for the venereal diseases enumerated in section 39-601, Idaho Code, if such persons have, in the judgment of public health authorities and the jailer, been exposed to a disease enumerated in section 39-601, Idaho Code.</p> <p>(3) All persons who are charged with any sex offense in which body fluid, as defined in this chapter, has likely been transmitted to another shall be tested for the human immunodeficiency virus (HIV). At the request of the victim or parent, guardian or legal custodian of a minor victim, such test shall be administered not later than forty-eight (48) hours after the date on which the information or indictment is presented.</p> <p>(4) All persons, including juveniles, who are charged with sex offenses, drug related charges, prostitution, any crime in which body fluid has likely been transmitted to another, or other charges as recommended by public</p>

ID Title 39 Code §	Code Language
	<p>health authorities shall be tested for the venereal diseases enumerated in section 39-601, Idaho Code, and for hepatitis C virus.</p> <p>(5) All persons who are charged with any crime in which body fluid as defined in this chapter has likely been transmitted to another shall be tested for the presence of HIV antibodies or antigens, for hepatitis C virus and for hepatitis B virus.</p> <p>(6) If a person is tested as required in subsections (3), (4) or (5) of this section, the results of the test shall be revealed to the court. The court shall release the results of the test to the victim(s), or if the victim(s) is a minor, to the minor's parent, guardian or legal custodian. Whenever a prisoner tests positive for HIV antibodies or antigens, the victim(s) of said prisoner shall be entitled to counseling regarding HIV, HIV testing in accordance with applicable law, and referral for appropriate health care and support services. Said counseling, HIV testing and referral services shall be provided to the victim(s) by the district health departments at no charge to the victim(s). Provided however, the requirement to provide referral services does not, in and of itself, obligate the district health departments to provide or otherwise pay for a victim's health care or support services. Any court, when releasing test results to a victim(s), or if the victim(s) is a minor, to the minor's parent, guardian, or legal custodian, shall explain or otherwise make the victim(s) or the victim's parent, guardian, or legal custodian, aware of the services to which the victim(s) is entitled as described herein.</p> <p>(7) Responsibility for the examination, testing and treatment of persons confined in county or city jails shall be vested in the county or city that operates the jail. The county or city may contract with the district health departments or make other arrangements for the examination, testing and treatment services. The district health department or other provider may charge and collect for the costs of such examination and treatment, as follows:</p> <p>(a) When the prisoner is a convicted felon awaiting transfer to the board of correction, or when the prisoner is a convicted felon being confined in jail pursuant to a contract with the board of correction, the board of correction shall reimburse such costs;</p> <p>(b) When the prisoner is awaiting trial after an arrest by any state officer, the state agency employing such arresting officer shall reimburse such costs;</p> <p>(c) When the prisoner is being held for any other authority or jurisdiction, including another state, the authority or jurisdiction responsible shall reimburse such costs unless otherwise provided for by contract.</p>
§ 39-606	<p>Reports</p> <p>Reports to the director of the department of health and welfare of the existence of diseases included in this chapter shall be made by the name of the patient being treated for such disease. It is the intent of this</p>

ID Title 39 Code §	Code Language
	chapter to observe all possible secrecy for the benefit of the sufferer so long as the said sufferer conforms to the requirements of this chapter. Confidential disease reports containing patient identification reported under this section shall only be used by public health officials who must conduct investigations and shall be subject to disclosure according to chapter 3, title 9, Idaho Code. Any person who willfully or maliciously discloses the content of any confidential public health record, as described herein to any third party, except pursuant to a written authorization by the person who is the subject of the record or by his or her guardian or conservator, or as otherwise authorized by law, shall be guilty of a misdemeanor.
§ 39-609	<p>Declaration of policy</p> <p>The legislature hereby declares that infection with human immunodeficiency virus, the virus which causes acquired immune deficiency syndrome (AIDS), is an infectious and communicable disease that endangers the population of this state. The legislature further declares that reporting of HIV infection to public health officials is essential to enable a better understanding of the disease, the scope of exposure, the impact on the community, and the means of control and that efforts to control the disease should include public education, counseling, and voluntary testing and that restrictive enforcement measures should be used only when necessary to protect the public health. It is hereby declared to be the policy of this state that an effective program of preventing AIDS must maintain the confidentiality of patient information and restrict the use of such information solely to public health requirements. This confidentiality is essential so that infected persons are encouraged to reveal their condition to persons who have a legitimate need to know in order that they may assist the patient. Conversely, there is a need for certain individuals to know of the patient's condition so that they may be protected from the disease or protect themselves and others closely associated with them or with the patient. The legislature believes that the balancing of the need to know by certain individuals in relationship to the need to maintain confidentiality to encourage reporting is essential to control the spread of the disease. This balancing cannot be fully codified in statutory law and must be left to the judgment and discretion of public health officials. If in the judgment of public health authorities an imminent danger to the public health exists due to an individual having a disease enumerated in section 39-601, Idaho Code, public health authorities shall take such action as is authorized in this chapter and as is necessary to prevent danger to the public health. Persons who have a legitimate need to know may include health care personnel, doctors, nurses, dentists, persons providing emergency medical services, morticians, lab technicians and school authorities. This is not intended to limit the usual and customary exchange of information between health care providers.</p>
§ 39-610	Disclosure of HIV and HBV reporting information

ID Title 39 Code §	Code Language
	<p>(1) Confidential public health record as described in section 39-606, Idaho Code, shall be subject to disclosure according to chapter 3, title 9, Idaho Code, shall not be discoverable, and shall not be compelled to be produced in any civil or administrative hearing.</p> <p>(2) State or local health authorities may contact and advise those persons who, in the judgment of health authorities, have been exposed to the HIV (human immunodeficiency virus) or hepatitis B (HBV) infections.</p> <p>(3) The department of health and welfare shall, in a manner established by rules and regulations, accept from persons involved in providing emergency or medical services reports of significant exposures to the blood or body fluids of a patient or deceased person. The department of health and welfare shall promulgate rules and regulations defining the term "significant exposure" as used in this section. Upon receipt of a report made pursuant to section 39-602, Idaho Code, confirming the presence of HIV or HBV virus in a patient or a deceased person, the director of the department of health and welfare, or his designee, shall immediately contact and advise any and all persons who, on the basis of information then or thereafter reported to the department, have had a significant exposure to the blood or body fluids of that infected patient or deceased person. The significantly exposed person shall be informed only that he may have been exposed to HIV or HBV, as the case may be, and thereafter advised of whatever prophylactic and testing procedures are appropriate. The significantly exposed person shall not be informed of the name of the infected patient or deceased person. Additionally, the department of health and welfare shall, to the greatest extent consistent with public health requirements, maintain the confidentiality of the identity of the significantly exposed person.</p> <p>(4) Public health authorities may disclose personally identifying information in public health records, as described in section 39-606, Idaho Code, to other local or state public health agencies when the confidential information is necessary to carry out the duties of the agency in the investigation, control and surveillance of disease, as determined by the state board of health and welfare, or as otherwise authorized by law.</p> <p>(5) Nothing in this chapter imposes liability or criminal sanction for disclosure or nondisclosure of the results of a blood test to detect HIV or HBV virus in accordance with any reporting requirements of the department of health and welfare.</p>
§ 39-3411	<p>Requirements for informed consent</p> <p>In the absence of a document of gift or other evidence of an individual's intention to make or refuse to make an anatomical gift, the following information shall be provided to any person or persons, listed in section 39-3409, Idaho Code, approached for purposes of obtaining informed consent:</p>

ID Title 39 Code §	Code Language
	<p>(1) A confirmation of the donor's identity and his or her clinical terminal condition;</p> <p>(2) A general description of the purposes of anatomical gift donation;</p> <p>(3) Identification of specific organs and/or tissues, including cells, that are being requested for donation, provided that subsequent information on the specific gifts recovered shall be supplied;</p> <p>(4) An explanation that the retrieved organs and/or tissues may be used for transplantation, therapy, medical research or educational purposes;</p> <p>(5) A general description of the recovery process including, but not limited to, timing, relocation of the donor if applicable, and contact information;</p> <p>(6) An explanation that laboratory tests and a medical and/or social history will be completed to determine the medical suitability of the donor and that blood samples from the donor will be tested for certain transmissible diseases, including testing for HIV antibodies or antigens;</p> <p>(7) An explanation that the spleen, lymph nodes and blood may be removed, and cultures may be performed, for the purpose of determining donor suitability and donor and recipient capability;</p> <p>(8) A statement granting access to the donor's medical records and providing that the medical records may be released to other appropriate parties;</p> <p>(9) An explanation that costs directly related to the evaluation, recovery, preservation and placement of the organs and/or tissues will not be charged to the family members of the donor;</p> <p>(10) An explanation of the impact the donation process may have on burial arrangements and on the appearance of the donor's body; and</p> <p>(11) .A statement that tissues or parts may be retrieved and/or used by for-profit procurement entities.</p>
§ 39-3703	<p>Anatomical parts control</p> <p>No anatomical parts of human bodies, including whole blood, plasma, blood products, blood derivatives, body tissue, organs, parts of organs or products derived therefrom, and including semen, ova and embryos, shall be used for any purpose of injecting, transfusing or transplanting into a human body unless such anatomical parts or the donor have been examined for acquired immunodeficiency syndrome (AIDS), AIDS related complexes (ARC), or other manifestations of human immunodeficiency virus (HIV) infection, and a test is negative for the presence of HIV antibodies or antigens.</p> <p>The director of the department of health and welfare shall promulgate rules to fully implement the requirements of this section.</p>
§ 39-3801	<p>Infectious, contagious, or communicable disease – medical treatment of minor 14 years of age or older – consent of parents or guardian unnecessary.</p> <p>Notwithstanding any other provision of law, a minor fourteen (14) years</p>

ID Title 39 Code §	Code Language
	<p>of age or older who may have come into contact with any infectious, contagious, or communicable disease may give consent to the furnishing of hospital, medical and surgical care related to the diagnosis or treatment of such disease, if the disease or condition is one which is required by law, or regulation adopted pursuant to law, to be reported to the local health officer. Such consent shall not be subject to disaffirmance because of minority. The consent of the parent, parents, or legal guardian of such minor shall not be necessary to authorize hospital, medical and surgical care related to such disease and such parent, parents, or legal guardian shall not be liable for payment for any care rendered pursuant to this section.</p>
39-5408	<p>HTLV-III ANTIBODY.</p> <p>Every hospital, bank or other storage facility where a person has donated semen shall use all reasonable means to detect if the donor has an antibody to HTLV-III in his blood. In the event that an antibody to HTLV-III is detected, such semen shall not be used for any purposes of artificial insemination.</p> <p>As used in this section, "HTLV-III" means the human T-cell lymphotropic virus type III that causes acquired immunodeficiency syndrome.</p>

Title 16 IDAPA	Code Language
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Title 16 IDAPA	Code Language
16.02.07.004	<p>12. Transplantation. The grafting of tissues taken from another human body.</p> <p>004. TESTING.</p> <p>01. Testing of Donor. The donor of any solid tissue, blood, blood products, semen, ova or embryo shall be tested for HIV infection prior to the actual transplant or transfusion of the anatomical parts into another human.</p> <p>02. Approved Tests. Only tests approved by the Food and Drug Administration (FDA) or the Director of the state public health laboratory for the purpose of testing anatomical parts or donors of anatomical parts for the evidence of HIV infections shall be used.</p> <p>03. Test Results. All positive test results for HIV antibody or antigen shall be reported to the Department or District Health Department as required in Section 39-606, Idaho Code.</p>
16.02.07.008	<p>HUMAN MILK.</p> <p>01. Human Milk Tests. All donors of human milk must be tested for HIV infection using an approved procedure if the human milk is intended for consumption by a child other than her own child.</p> <p>02. Blood Samples. A blood sample must be taken from the donor and tested for HIV antibody or antigen at the time human milk is donated. The human milk may be frozen and a second blood sample from the donor taken not less than ninety (90) days after donating the human milk. Both blood samples must test negative before the human milk can be released for human use.</p> <p>03. Human Milk from Out-of-State. No human milk may be shipped into Idaho unless the donor of the human milk has tested negative for HIV antibody or antigen.</p> <p>04. Human Milk Storage. All facilities which store human milk must register with the Department and certify that no human milk shall be released for consumption by infants unless the donor has tested negative for HIV antibody or antigen at least ninety (90) days following the donation of the human milk.</p> <p>05. Test Results -- Records, Reports. Records of HIV test results shall be made available to the Department upon request of the Director. All positive test results shall be reported in accordance with Section 39-602, Idaho Code.</p>
16.02.10-004	DEFINITIONS

Title 16 IDAPA	Code Language
	09. Communicable Disease. A disease which may be transmitted from one (1) person or an animal to another person either by direct contact or through an intermediate host, vector, inanimate object, or other means which may result in infection, illness, disability, or death.
16.02.10-010	<p>010. REPORTABLE DISEASES AND CONDITIONS.</p> <p>A licensed physician who diagnoses, treats or cares for a person with a reportable disease or condition must make a report of such disease or condition to the Department or District as described in these rules. The hospital or health care facility administrator, or his delegated representative, must report in accordance with these rules all persons who are diagnosed, treated, or receive care for a reportable disease or condition in the administrator's facility. Reports need not be made by the hospital administrator, or his representative, if they can assure that the attending physician has previously reported the disease or condition. The physician is also responsible for reporting diseases and conditions diagnosed, or treated by physician assistants, nurse practitioners or others under the physician's supervision. In addition to licensed physicians, reports must also be made by physician assistants, certified nurse practitioners, registered nurses, school health nurses, infection surveillance staff, public health officials, laboratory directors, and coroners. Persons in charge of food establishments must report potential foodborne illnesses. No physician, hospital administrative person, or patient may deny Districts or agents of the Board access to medical records in discharge of their duties in implementing the reportable disease rules. School administrators must report as indicated in Subsection 025.03.g. of these rules. (4-11-06)</p> <p>01. Reportable Diseases and Conditions. The following diseases and conditions are reportable to the Department or District</p> <p style="padding-left: 20px;">b. Conditions</p> <p style="padding-left: 40px;">v. Human Immunodeficiency Virus (HIV) infections including, positive HIV tests: HIV Antibody, HIV Antigen, Human Immunodeficiency Virus isolations, other tests of infectiousness, as specified by the Department; (4-5-00)</p> <p>02. Form of the report</p> <p>A. Each report of a reportable disease or condition must include the identity and address of the attending licensed physician or the person reporting, the diagnosed or suspected disease or condition, the name, current address, telephone number and birth date or age, race, ethnicity, and sex of the individual with the disease or condition, and the date of onset of the disease or condition.</p> <p>B. A report of a case or suspected case may be made to the Department or the District by telephone, mail or fax.</p> <p>C. The identification of any organism known to cause a reportable</p>

Title 16 IDAPA	Code Language
	disease or condition listed in Subsection 010.03.d. of these rules must be reported to the Department or District by the laboratory director or his authorized representative. The report must include the name (if known) or other identifier of the individual from whom the specimen was obtained, the name and address of the individual's physician or other person requesting the test, and the identity of the organism or other significant test result.
16.02.10-011	<p>Testing for certain reportable diseases without prior consent</p> <p>A physician may order blood or body fluid tests for hepatitis viruses, malaria, syphilis, or the human immunodeficiency virus (HIV) when an informed consent is not possible and there has been or is likely to be significant exposure to a person's blood or body fluids by a person providing emergency or medical services.</p>
16.02.10-015	<p>015. INVESTIGATION AND CONTROL OF REPORTABLE DISEASES.</p> <p>11. Treatment of Minors. Minors fourteen (14) years of age or older may consent to diagnosis, treatment or prevention of reportable diseases or conditions as provided in Section 39-3801, Idaho Code. This includes the administration of vaccines.</p>