### Table 1

State HIV Testing Laws in Cases of Occupational Exposure

<table>
<thead>
<tr>
<th>Testing Source Patients in Cases of Occupational Exposure between Source Patient and Health Care Provider (as of April 2011)²</th>
<th>AL, AR, AZ, CA, CO, CT, DE, FL, GA, HI, IL, IA, ME, MD, MI, MN, MS, NE, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, VA, WA, WV, WI, WY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laws compatible with unconsented testing of source patients</td>
<td></td>
</tr>
</tbody>
</table>

| Law incompatible with unconsented testing of source patients or no specific occupational exposure statute available | AK, DC, IN, KS, KY, LA, MA, MO, ME, NV, NH, NJ, SD, UT, VT |

*No specific state statute for occupational exposure but court may compel testing if there is evidence of a serious health threat to others*

*Order of the court or public health officer if testing is to be performed over patient's objection*

*Unconsented HIV testing can only be performed if patient unavailable or incapacitated*
<table>
<thead>
<tr>
<th>TX Health &amp; Safety Code §</th>
<th>Code Language</th>
</tr>
</thead>
<tbody>
<tr>
<td>(b) Consent need not be written if there is documentation in the medical record that the test has been explained and the consent has been obtained.</td>
<td></td>
</tr>
</tbody>
</table>

**§ 81.106 General Consent**

(a) A person who has signed a general consent form for the performance of medical tests or procedures is not required to also sign or be presented with a specific consent form relating to medical tests or procedures to determine HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS that will be performed on the person during the time in which the general consent form is in effect.

(b) Except as otherwise provided by this chapter, the result of a test or procedure to determine HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS performed under the authorization of a general consent form in accordance with this section may be used only for diagnostic or other purposes directly related to medical treatment.

**§ 81.107 Consent to Test for Certain Accidental Exposures**

(a) In a case of accidental exposure to blood or other body fluids under Section 81.102(a)(4)(D), the health care agency or facility may test a person who may have exposed the health care worker to HIV without the person's specific consent to the test.

(b) A test under this section may be done only if:

1. the test is done according to protocols established as provided by Section 81.102(c); and
2. those protocols ensure that any identifying information concerning the person tested will be destroyed as soon as the testing is complete and the person who may have been exposed is notified of the result.

(c) A test result under this section is subject to the confidentiality provisions of this chapter.

**§ 81.108 Testing by Insurers**

The Insurance Code and any rules adopted by the State Board of Insurance exclusively govern all practices of insurers in testing applicants to show or help show whether a person has AIDS or HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS.

**§ 81.109 Counseling Required for Positive Test Results**