

Fifty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2451

Introduced by

Senators D. Mathern, Lee

Representative Svedjan

1 A BILL for an Act to amend and reenact subsection 5 of section 23-07.5-02 of the North Dakota
2 Century Code, relating to access to a dead person's medical records.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 5 of section 23-07.5-02 of the 1999
5 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6 5. If a person who is the subject of a reported significant exposure is unconscious or
7 incapable of giving informed consent for testing under this section, that consent
8 may be obtained in accordance with section 23-12-13. If a person who is the
9 subject of a reported significant exposure dies without an opportunity to consent to
10 testing prior to admission to, or discharge or release from, the facility that received
11 that person, collection of appropriate specimens and testing for the presence of
12 any contagious disease bloodborne pathogens, including human
13 immunodeficiency virus, hepatitis B, and hepatitis C infection must be conducted
14 within twenty-four hours. A licensed physician with expertise in infectious diseases
15 shall make the determination of which tests are required. Results of these tests
16 must be provided to the physician providing care for the person who experienced
17 the significant exposure. If a facility that received the person who died fails to test
18 for the presence of bloodborne pathogens as required under this subsection, the
19 facility shall provide the physician providing care for the exposed emergency
20 medical services provider, health care provider, or person who rendered aid under
21 chapter 32-03.1 testing results of any bloodborne pathogen present in any medical
22 records of the dead person which are in the facility's control within twenty-four
23 hours. If there are no testing results for bloodborne pathogens within that facility
24 and there is reason to believe that results are available from another facility, the

1 facility that received the person who died shall attempt to obtain testing results of
2 bloodborne pathogens of the deceased within twenty-four hours from the facility
3 where it is believed results exist. The test results must be provided to the
4 physician providing care for the person who experienced the significant exposure.