

WAC 246-100-207 Blood-borne pathogen testing—Ordering—Laboratory screening—Interpretation—Reporting. (1) Except for persons ordering or prescribing a blood-borne pathogen test for another person under subsections (3) and (4) of this section, any person ordering or prescribing a blood-borne pathogen test for another person if the test is positive for or suggestive of blood-borne pathogen infection, shall follow the provisions of chapter 246-101 WAC.

(2) The local and state health officer or authorized representative shall periodically make efforts to inform providers in their respective jurisdiction about the September 2006 Centers for Disease Control and Prevention "*Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Healthcare Settings.*"

(3) Any person authorized to order or prescribe an HIV test for another person may offer anonymous HIV testing without restriction.

(4) Blood banks, tissue banks, and others collecting or processing blood, sperm, tissues, or organs for transfusion/transplanting shall:

(a) Explain that donations are tested to ensure safety of the blood supply, tissue, or organ bank donations;

(b) At the time of notification regarding a positive blood-borne pathogen test, provide or ensure at least one individual counseling session; and

(c) Inform the person that the name of the person testing positive for a blood-borne pathogen will be confidentially reported to the state or local health officer.

(5) Persons subject to regulation under Title 48 RCW and requesting an insured, subscriber, or potential insured or subscriber to furnish the results of a blood-borne pathogen test for underwriting purposes, as a condition for obtaining or renewing coverage under an insurance contract, health care service contract, or health maintenance organization agreement shall:

(a) Before obtaining a specimen to perform a blood-borne pathogen test, provide written information to the person tested explaining which blood-borne pathogen test is being administered and that the purpose of blood-borne pathogen testing in this setting is to determine eligibility for coverage;

(b) Obtain informed specific written consent for a blood-borne pathogen test or tests. The written informed consent must include:

(i) An explanation of confidential treatment of test result reports limited to persons involved in handling or determining applications for coverage or claims for the applicant or claimant; and

(ii) That the name of the person testing positive for a blood-borne pathogen will be confidentially reported to the state or local health officer.

(c) Establish procedures to inform an applicant of the following:

(i) The applicant may designate a health care provider or health care agency to whom test results indicative of infection with a blood-borne pathogen are to be provided for interpretation; and

(ii) Test results indicative of infection are sent directly to the applicant.

(6) Laboratories and other places where blood-borne pathogen testing is performed must demonstrate compliance with all of the requirements in the medical test site rules, chapter 246-338 WAC.

(7) Persons informing a tested person of positive laboratory test results indicating blood-borne pathogen infection shall do so only when:

(a) The test or sequence of tests has been approved by the FDA or the Federal Centers for Disease Control and Prevention as a confirmed positive test result; and

(b) The information consists of relevant facts communicated in such a way that it will be readily understood by the recipient and is linguistically, socially, culturally, and developmentally appropriate.

(8) Persons may inform a tested person of the unconfirmed reactive results of an FDA-approved rapid blood-borne pathogen test provided the test result is interpreted as preliminarily positive, and the tested person is informed that:

(a) Further testing is necessary to confirm the reactive screening test result;

(b) The meaning of reactive screening test result is explained in simple terms, avoiding technical jargon;

(c) The importance of confirmatory testing is emphasized and a return visit for confirmatory test results is scheduled; and

(d) The importance of taking precautions to prevent transmitting infection to others while awaiting results of confirmatory testing is stressed.

[Statutory Authority: RCW 43.20.050 and 70.24.130. WSR 22-06-061, § 246-100-207, filed 2/25/22, effective 3/28/22. Statutory Authority: RCW 70.24.380. WSR 18-23-056, § 246-100-207, filed 11/15/18, effective 12/16/18; WSR 13-03-110, § 246-100-207, filed 1/17/13, effective 2/17/13. Statutory Authority: RCW 70.24.130. WSR 10-01-082, § 246-100-207, filed 12/15/09, effective 1/15/10. Statutory Authority: RCW 70.24.130 and 70.24.380. WSR 05-11-110, § 246-100-207, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 70.24.380. WSR 02-12-106, § 246-100-207, filed 6/5/02, effective 7/6/02. Statutory Authority: RCW 70.24.125 and 70.24.130. WSR 99-17-077, § 246-100-207, filed 8/13/99, effective 9/1/99. Statutory Authority: RCW 70.24.380. WSR 97-04-041, § 246-100-207, filed 1/31/97, effective 3/3/97. Statutory Authority: RCW 43.20.050 and 70.24.130. WSR 92-02-019 (Order 225B), § 246-100-207, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-100-207, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW and RCW 70.24.130. WSR 89-20-006 (Order 334), § 248-100-207, filed 9/22/89, effective 10/23/89. Statutory Authority: Chapter 70.24 RCW. WSR 89-14-003 (Order 329), § 248-100-207, filed 6/22/89; WSR 88-17-058 (Order 318), § 248-100-207, filed 8/17/88.]