

DRAFT #4 - NON NOMINAL TESTING

- (1.1) A physician who forms an opinion that a patient is or may be infected with an agent of AIDS, is exempt from reporting the patient's name and address under Section 26 of the Act to a medical officer of health unless:
- a) the patient fails to receive counselling about reducing the risk of HIV transmission from any of the following agents: the physician, a community-based AIDS Service Organization, a counsellor at a designated anonymous HIV testing site, or a medical officer of health;
 - b) the patient has not assisted and is unwilling to assist in notifying each identifiable person who was unknowingly exposed to an agent of AIDS by the patient through unprotected sexual intercourse or the sharing of unclean needles used for injections through one of the following methods:
 - i) the patient agrees to inform, or has informed, such partner(s) at risk him/herself of the risk of infection and the availability of counselling;
 - ii) the patient agrees to disclose, or has disclosed, the name(s) of such partner(s) at risk to a medical officer of health; or
 - iii) the patient agrees to disclose, or has disclosed, the name(s) of such partner(s) at risk to the physician, in those circumstances where the physician agrees to accept notification responsibilities.
 - c) the patient is unwilling or unable to reduce the risk of transmission of an agent of AIDS to other persons, specifically by:
 - i) using latex condoms for sexual intercourse;
 - ii) cleaning injection needles with bleach whenever sharing them, or refraining from sharing injection needles;

iii) neither of the above behaviours shall cause the physician to report a patient to the medical officer of health if the physician reasonably believes that the person(s) at risk are aware of the patient's HIV status and of the risk of infection.

(1.2) In the event that one of the circumstances described in 1.1 (a) (b) or (c) arises, a physician shall take the following steps:

- a) the physician shall notify the patient of the potential for a nominal report to be filed.
- b) the physician shall contact the medical officer of health to discuss the case non-nominally and to seek advice on resolving the outstanding issues.
- c) if necessary, the physician shall report the name, address and outstanding issues of the case to the medical officer of health.
- d) the physician shall notify the patient that his/her name has been thus reported.

(1.3) Where a physician forms the opinion that compliance with partner notification would place the patient in imminent danger of physical violence, the physician shall take steps set out in subsections (1.2)(a), (b), (c) and (d).

(1.4) The physician shall report the patient's initials, sex and date of birth, including year of birth, to the medical officer of health.

- a) The medical officer of health or his/her designate may contact the physician, or the physician may contact the medical officer of health, to ensure that the physician is aware of counselling and treatment options.