

FORTY-SIXTH LEGISLATURE
SECOND SESSION, 2004

February 11, 2004

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred

HOUSE BILL 98

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 3, line 5, after "person" strike "subject to or", strike lines 6 and 7 in their entirety and insert in lieu thereof "who has voluntarily consented to detention and treatment or who has been ordered by a court pursuant to the Public Health Act or the Public Health Emergency Response Act to be detained and treated because of infection with a threatening communicable disease;".

2. On page 4, line 19, after "patient" insert "in accordance with the Health Insurance Portability and Accountability Act of 1996 and any other applicable patient privacy laws and rules".

3. On page 9, line 25, strike "fourteen" and insert in lieu thereof "twenty-three".

4. On page 10, line 4, after "after" insert "an evidentiary" and after the period insert "A patient who makes a written objection to the transfer and requests a court hearing is entitled to representation by counsel at the court hearing at which the sending party must show by clear and convincing evidence that it is in the best interest of the patient to be transferred to an institution in the receiving state, based on the factors enumerated in Subsection B of Article III of the Interstate Compact on Threatening Communicable Diseases. Counsel may be retained by the patient or shall be appointed by the court if the court determines that the patient cannot afford representation or if the court determines that appointment of counsel is required in the interest of justice.".

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SECOND SESSION, 2004

Page 2

Respectfully submitted,

W. Ken Martinez, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

No: 0

Excused: Stewart

Absent: None

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.151298.1

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