

ARTICLE 5

DIRECT CARE AND TREATMENT

Section 1. Minnesota Statutes 2022, section 246.71, subdivision 3, is amended to read:

Subd. 3. **Patient.** "Patient" means any person who is receiving treatment from or committed to a secure state-operated treatment facility program, including the Minnesota Sex Offender Program.

Sec. 2. Minnesota Statutes 2022, section 246.71, subdivision 4, is amended to read:

Subd. 4. **Employee of a secure treatment facility state-operated treatment program or employee.** "Employee of a secure treatment facility state-operated treatment program" or "employee" means an employee of the Minnesota Security Hospital or a secure treatment facility operated by the Minnesota Sex Offender Program any state-operated treatment program.

Sec. 3. Minnesota Statutes 2022, section 246.71, subdivision 5, is amended to read:

Subd. 5. **Secure treatment facility State-operated treatment program.** "Secure treatment facility State-operated treatment program" means the Minnesota Security Hospital and the Minnesota Sex Offender Program facility in Moose Lake and any portion of the Minnesota Sex Offender Program operated by the Minnesota Sex Offender Program at the Minnesota Security Hospital any state-operated treatment program under the jurisdiction of the executive board, including the Minnesota Sex Offender Program, community behavioral health hospitals, crisis centers, residential facilities, outpatient services, and other community-based services under the executive board's control.

Sec. 4. Minnesota Statutes 2022, section 246.711, is amended to read:

246.711 CONDITIONS FOR APPLICABILITY OF PROCEDURES.

Subdivision 1. **Request for procedures.** An employee of a secure treatment facility state-operated treatment program may request that the procedures of sections 246.71 to 246.722 be followed when the employee may have experienced a significant exposure to a patient.

Subd. 2. **Conditions.** The secure treatment facility state-operated treatment program shall follow the procedures in sections 246.71 to 246.722 when all of the following conditions are met:

(1) a licensed physician, advanced practice registered nurse, or physician assistant determines that a significant exposure has occurred following the protocol under section 246.721;

(2) the licensed physician, advanced practice registered nurse, or physician assistant for the employee needs the patient's blood-borne pathogens test results to begin, continue, modify, or discontinue treatment in accordance with the most current guidelines of the

ARTICLE 6

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Sec. 2. Minnesota Statutes 2022, section 246.71, subdivision 4, is amended to read:

Subd. 4. **Employee of a secure treatment facility state-operated treatment program or employee.** "Employee of a secure treatment facility state-operated treatment program" or "employee" means an employee of the Minnesota Security Hospital or a secure treatment facility operated by the Minnesota Sex Offender Program any state-operated treatment program.

Sec. 3. Minnesota Statutes 2022, section 246.71, subdivision 5, is amended to read:

Subd. 5. **Secure treatment facility State-operated treatment program.** "Secure treatment facility State-operated treatment program" means the Minnesota Security Hospital and the Minnesota Sex Offender Program facility in Moose Lake and any portion of the Minnesota Sex Offender Program operated by the Minnesota Sex Offender Program at the Minnesota Security Hospital any state-operated treatment program under the jurisdiction of the executive board, including the Minnesota Sex Offender Program, community behavioral health hospitals, crisis centers, residential facilities, outpatient services, and other community-based services under the executive board's control.

Sec. 4. Minnesota Statutes 2022, section 246.711, is amended to read:

246.711 CONDITIONS FOR APPLICABILITY OF PROCEDURES.

Subdivision 1. **Request for procedures.** An employee of a secure treatment facility state-operated treatment program may request that the procedures of sections 246.71 to 246.722 be followed when the employee may have experienced a significant exposure to a patient.

Subd. 2. **Conditions.** The secure treatment facility state-operated treatment program shall follow the procedures in sections 246.71 to 246.722 when all of the following conditions are met:

(1) a licensed physician, advanced practice registered nurse, or physician assistant determines that a significant exposure has occurred following the protocol under section 246.721;

(2) the licensed physician, advanced practice registered nurse, or physician assistant for the employee needs the patient's blood-borne pathogens test results to begin, continue, modify, or discontinue treatment in accordance with the most current guidelines of the

78.7 United States Public Health Service, because of possible exposure to a blood-borne pathogen;
78.8 and

78.9 (3) the employee consents to providing a blood sample for testing for a blood-borne
78.10 pathogen.

78.11 Sec. 5. Minnesota Statutes 2022, section 246.712, subdivision 1, is amended to read:

78.12 Subdivision 1. **Information to patient.** (a) Before seeking any consent required by the
78.13 procedures under sections 246.71 to 246.722, a ~~secure treatment facility~~ state-operated
78.14 treatment program shall inform the patient that the patient's blood-borne pathogen test
78.15 results, without the patient's name or other uniquely identifying information, shall be reported
78.16 to the employee if requested and that test results collected under sections 246.71 to 246.722
78.17 are for medical purposes as set forth in section 246.718 and may not be used as evidence
78.18 in any criminal proceedings or civil proceedings, except for procedures under sections
78.19 144.4171 to 144.4186.

78.20 (b) The ~~secure treatment facility~~ state-operated treatment program shall inform the patient
78.21 of the insurance protections in section 72A.20, subdivision 29.

78.22 (c) The ~~secure treatment facility~~ state-operated treatment program shall inform the patient
78.23 that the patient may refuse to provide a blood sample and that the patient's refusal may result
78.24 in a request for a court order to require the patient to provide a blood sample.

78.25 (d) The ~~secure treatment facility~~ state-operated treatment program shall inform the patient
78.26 that the ~~secure treatment facility~~ state-operated treatment program will advise the employee
78.27 of a ~~secure treatment facility~~ state-operated treatment program of the confidentiality
78.28 requirements and penalties before the employee's health care provider discloses any test
78.29 results.

78.30 Sec. 6. Minnesota Statutes 2022, section 246.712, subdivision 2, is amended to read:

78.31 Subd. 2. **Information to ~~secure treatment facility~~ state-operated treatment program**
78.32 **employee.** (a) Before disclosing any information about the patient, the ~~secure treatment~~
79.1 ~~facility~~ state-operated treatment program shall inform the employee of a ~~secure treatment~~
79.2 ~~facility~~ state-operated treatment program of the confidentiality requirements of section
79.3 246.719 and that the person may be subject to penalties for unauthorized release of test
79.4 results about the patient under section 246.72.

79.5 (b) The ~~secure treatment facility~~ state-operated treatment program shall inform the
79.6 employee of the insurance protections in section 72A.20, subdivision 29.

76.7 United States Public Health Service, because of possible exposure to a blood-borne pathogen;
76.8 and

76.9 (3) the employee consents to providing a blood sample for testing for a blood-borne
76.10 pathogen.

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76.17 are for medical purposes as set forth in section 246.718 and may not be used as evidence
76.18 in any criminal proceedings or civil proceedings, except for procedures under sections
76.19 144.4171 to 144.4186.

76.20 (b) The ~~secure treatment facility~~ state-operated treatment program shall inform the patient
76.21 of the insurance protections in section 72A.20, subdivision 29.

76.22 (c) The ~~secure treatment facility~~ state-operated treatment program shall inform the patient
76.23 that the patient may refuse to provide a blood sample and that the patient's refusal may result
76.24 in a request for a court order to require the patient to provide a blood sample.

76.25 (d) The ~~secure treatment facility~~ state-operated treatment program shall inform the patient
76.26 that the ~~secure treatment facility~~ state-operated treatment program will advise the employee
76.27 of a ~~secure treatment facility~~ state-operated treatment program of the confidentiality
76.28 requirements and penalties before the employee's health care provider discloses any test
76.29 results.

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76.32 **employee.** (a) Before disclosing any information about the patient, the ~~secure treatment~~
77.1 ~~facility~~ state-operated treatment program shall inform the employee of a ~~secure treatment~~
77.2 ~~facility~~ state-operated treatment program of the confidentiality requirements of section
77.3 246.719 and that the person may be subject to penalties for unauthorized release of test
77.4 results about the patient under section 246.72.

77.5 (b) The ~~secure treatment facility~~ state-operated treatment program shall inform the
77.6 employee of the insurance protections in section 72A.20, subdivision 29.

79.7 Sec. 7. Minnesota Statutes 2022, section 246.713, is amended to read:

79.8 **246.713 DISCLOSURE OF POSITIVE BLOOD-BORNE PATHOGEN TEST**
79.9 **RESULTS.**

79.10 If the conditions of sections 246.711 and 246.712 are met, the ~~secure treatment facility~~
79.11 state-operated treatment program shall ask the patient if the patient has ever had a positive
79.12 test for a blood-borne pathogen. The ~~secure treatment facility~~ state-operated treatment
79.13 program must attempt to get existing test results under this section before taking any steps
79.14 to obtain a blood sample or to test for blood-borne pathogens. The ~~secure treatment facility~~
79.15 state-operated treatment program shall disclose the patient's blood-borne pathogen test
79.16 results to the employee without the patient's name or other uniquely identifying information.

79.17 Sec. 8. Minnesota Statutes 2022, section 246.714, is amended to read:

79.18 **246.714 CONSENT PROCEDURES GENERALLY.**

79.19 (a) For purposes of sections 246.71 to 246.722, whenever the ~~secure treatment facility~~
79.20 state-operated treatment program is required to seek consent, the ~~secure treatment facility~~
79.21 state-operated treatment program shall obtain consent from a patient or a patient's
79.22 representative consistent with other law applicable to consent.

79.23 (b) Consent is not required if the ~~secure treatment facility~~ state-operated treatment
79.24 program has made reasonable efforts to obtain the representative's consent and consent
79.25 cannot be obtained within 24 hours of a significant exposure.

79.26 (c) If testing of available blood occurs without consent because the patient is unconscious
79.27 or unable to provide consent, and a representative cannot be located, the ~~secure treatment~~
79.28 facility state-operated treatment program shall provide the information required in section
79.29 246.712 to the patient or representative whenever it is possible to do so.

79.30 (d) If a patient dies before an opportunity to consent to blood collection or testing under
79.31 sections 246.71 to 246.722, the ~~secure treatment facility~~ state-operated treatment program
80.1 does not need consent of the patient's representative for purposes of sections 246.71 to
80.2 246.722.

80.3 Sec. 9. Minnesota Statutes 2022, section 246.715, subdivision 1, is amended to read:

80.4 Subdivision 1. **Procedures with consent.** If a sample of the patient's blood is available,
80.5 the ~~secure treatment facility~~ state-operated treatment program shall ensure that blood is
80.6 tested for blood-borne pathogens with the consent of the patient, provided the conditions
80.7 in sections 246.711 and 246.712 are met.

80.8 Sec. 10. Minnesota Statutes 2022, section 246.715, subdivision 2, is amended to read:

80.9 Subd. 2. **Procedures without consent.** If the patient has provided a blood sample, but
80.10 does not consent to blood-borne pathogens testing, the ~~secure treatment facility~~ state-operated

77.7 Sec. 7. Minnesota Statutes 2022, section 246.713, is amended to read:

77.8 **246.713 DISCLOSURE OF POSITIVE BLOOD-BORNE PATHOGEN TEST**
77.9 **RESULTS.**

77.10 If the conditions of sections 246.711 and 246.712 are met, the ~~secure treatment facility~~
77.11 state-operated treatment program shall ask the patient if the patient has ever had a positive
77.12 test for a blood-borne pathogen. The ~~secure treatment facility~~ state-operated treatment
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77.14 to obtain a blood sample or to test for blood-borne pathogens. The ~~secure treatment facility~~
77.15 state-operated treatment program shall disclose the patient's blood-borne pathogen test
77.16 results to the employee without the patient's name or other uniquely identifying information.

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77.21 state-operated treatment program shall obtain consent from a patient or a patient's
77.22 representative consistent with other law applicable to consent.

77.23 (b) Consent is not required if the ~~secure treatment facility~~ state-operated treatment
77.24 program has made reasonable efforts to obtain the representative's consent and consent
77.25 cannot be obtained within 24 hours of a significant exposure.

77.26 (c) If testing of available blood occurs without consent because the patient is unconscious
77.27 or unable to provide consent, and a representative cannot be located, the ~~secure treatment~~
77.28 facility state-operated treatment program shall provide the information required in section
77.29 246.712 to the patient or representative whenever it is possible to do so.

77.30 (d) If a patient dies before an opportunity to consent to blood collection or testing under
77.31 sections 246.71 to 246.722, the ~~secure treatment facility~~ state-operated treatment program
78.1 does not need consent of the patient's representative for purposes of sections 246.71 to
78.2 246.722.

78.3 Sec. 9. Minnesota Statutes 2022, section 246.715, subdivision 1, is amended to read:

78.4 Subdivision 1. **Procedures with consent.** If a sample of the patient's blood is available,
78.5 the ~~secure treatment facility~~ state-operated treatment program shall ensure that blood is
78.6 tested for blood-borne pathogens with the consent of the patient, provided the conditions
78.7 in sections 246.711 and 246.712 are met.

78.8 Sec. 10. Minnesota Statutes 2022, section 246.715, subdivision 2, is amended to read:

78.9 Subd. 2. **Procedures without consent.** If the patient has provided a blood sample, but
78.10 does not consent to blood-borne pathogens testing, the ~~secure treatment facility~~ state-operated

80.11 treatment program shall ensure that the blood is tested for blood-borne pathogens if the
80.12 employee requests the test, provided all of the following criteria are met:

80.13 (1) the employee and ~~secure treatment facility~~ state-operated treatment program have
80.14 documented exposure to blood or body fluids during performance of the employee's work
80.15 duties;

80.16 (2) a licensed physician, advanced practice registered nurse, or physician assistant has
80.17 determined that a significant exposure has occurred under section 246.711 and has
80.18 documented that blood-borne pathogen test results are needed for beginning, modifying,
80.19 continuing, or discontinuing medical treatment for the employee as recommended by the
80.20 most current guidelines of the United States Public Health Service;

80.21 (3) the employee provides a blood sample for testing for blood-borne pathogens as soon
80.22 as feasible;

80.23 (4) the ~~secure treatment facility~~ state-operated treatment program asks the patient to
80.24 consent to a test for blood-borne pathogens and the patient does not consent;

80.25 (5) the ~~secure treatment facility~~ state-operated treatment program has provided the patient
80.26 and the employee with all of the information required by section 246.712; and

80.27 (6) the ~~secure treatment facility~~ state-operated treatment program has informed the
80.28 employee of the confidentiality requirements of section 246.719 and the penalties for
80.29 unauthorized release of patient information under section 246.72.

81.1 Sec. 11. Minnesota Statutes 2022, section 246.715, subdivision 3, is amended to read:

81.2 Subd. 3. **Follow-up.** The ~~secure treatment facility~~ state-operated treatment program shall
81.3 inform the patient whose blood was tested of the results. The ~~secure treatment facility~~
81.4 state-operated treatment program shall inform the employee's health care provider of the
81.5 patient's test results without the patient's name or other uniquely identifying information.

81.6 Sec. 12. Minnesota Statutes 2022, section 246.716, subdivision 1, is amended to read:

81.7 Subdivision 1. **Procedures with consent.** (a) If a blood sample is not otherwise available,
81.8 the ~~secure treatment facility~~ state-operated treatment program shall obtain consent from the
81.9 patient before collecting a blood sample for testing for blood-borne pathogens. The consent
81.10 process shall include informing the patient that the patient may refuse to provide a blood
81.11 sample and that the patient's refusal may result in a request for a court order under subdivision
81.12 2 to require the patient to provide a blood sample.

81.13 (b) If the patient consents to provide a blood sample, the ~~secure treatment facility~~
81.14 state-operated treatment program shall collect a blood sample and ensure that the sample
81.15 is tested for blood-borne pathogens.

81.16 (c) The ~~secure treatment facility~~ state-operated treatment program shall inform the
81.17 employee's health care provider about the patient's test results without the patient's name

78.11 treatment program shall ensure that the blood is tested for blood-borne pathogens if the
78.12 employee requests the test, provided all of the following criteria are met:

78.13 (1) the employee and ~~secure treatment facility~~ state-operated treatment program have
78.14 documented exposure to blood or body fluids during performance of the employee's work
78.15 duties;

78.16 (2) a licensed physician, advanced practice registered nurse, or physician assistant has
78.17 determined that a significant exposure has occurred under section 246.711 and has
78.18 documented that blood-borne pathogen test results are needed for beginning, modifying,
78.19 continuing, or discontinuing medical treatment for the employee as recommended by the
78.20 most current guidelines of the United States Public Health Service;

78.21 (3) the employee provides a blood sample for testing for blood-borne pathogens as soon
78.22 as feasible;

78.23 (4) the ~~secure treatment facility~~ state-operated treatment program asks the patient to
78.24 consent to a test for blood-borne pathogens and the patient does not consent;

78.25 (5) the ~~secure treatment facility~~ state-operated treatment program has provided the patient
78.26 and the employee with all of the information required by section 246.712; and

78.27 (6) the ~~secure treatment facility~~ state-operated treatment program has informed the
78.28 employee of the confidentiality requirements of section 246.719 and the penalties for
78.29 unauthorized release of patient information under section 246.72.

79.1 Sec. 11. Minnesota Statutes 2022, section 246.715, subdivision 3, is amended to read:

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79.4 state-operated treatment program shall inform the employee's health care provider of the
79.5 patient's test results without the patient's name or other uniquely identifying information.

79.6 Sec. 12. Minnesota Statutes 2022, section 246.716, subdivision 1, is amended to read:

79.7 Subdivision 1. **Procedures with consent.** (a) If a blood sample is not otherwise available,
79.8 the ~~secure treatment facility~~ state-operated treatment program shall obtain consent from the
79.9 patient before collecting a blood sample for testing for blood-borne pathogens. The consent
79.10 process shall include informing the patient that the patient may refuse to provide a blood
79.11 sample and that the patient's refusal may result in a request for a court order under subdivision
79.12 2 to require the patient to provide a blood sample.

79.13 (b) If the patient consents to provide a blood sample, the ~~secure treatment facility~~
79.14 state-operated treatment program shall collect a blood sample and ensure that the sample
79.15 is tested for blood-borne pathogens.

79.16 (c) The ~~secure treatment facility~~ state-operated treatment program shall inform the
79.17 employee's health care provider about the patient's test results without the patient's name

81.18 or other uniquely identifying information. The ~~secure treatment facility~~ state-operated
81.19 treatment program shall inform the patient of the test results.

81.20 (d) If the patient refuses to provide a blood sample for testing, the ~~secure treatment~~
81.21 ~~facility~~ state-operated treatment program shall inform the employee of the patient's refusal.

81.22 Sec. 13. Minnesota Statutes 2022, section 246.716, subdivision 2, as amended by Laws
81.23 2024, chapter 79, article 2, section 58, is amended to read:

81.24 Subd. 2. **Procedures without consent.** (a) A ~~secure treatment facility~~ state-operated
81.25 treatment program or an employee of a ~~secure treatment facility~~ state-operated treatment
81.26 program may bring a petition for a court order to require a patient to provide a blood sample
81.27 for testing for blood-borne pathogens. The petition shall be filed in the district court in the
81.28 county where the patient is receiving treatment from the ~~secure treatment facility~~
81.29 state-operated treatment program. The ~~secure treatment facility~~ state-operated treatment
81.30 program shall serve the petition on the patient three days before a hearing on the petition.
81.31 The petition shall include one or more affidavits attesting that:

82.1 (1) the ~~secure treatment facility~~ state-operated treatment program followed the procedures
82.2 in sections 246.71 to 246.722 and attempted to obtain blood-borne pathogen test results
82.3 according to those sections;

82.4 (2) a licensed physician, advanced practice registered nurse, or physician assistant
82.5 knowledgeable about the most current recommendations of the United States Public Health
82.6 Service has determined that a significant exposure has occurred to the employee of a ~~secure~~
82.7 ~~treatment facility~~ state-operated treatment program under section 246.721; and

82.8 (3) a physician, advanced practice registered nurse, or physician assistant has documented
82.9 that the employee has provided a blood sample and consented to testing for blood-borne
82.10 pathogens and blood-borne pathogen test results are needed for beginning, continuing,
82.11 modifying, or discontinuing medical treatment for the employee under section 246.721.

82.12 (b) ~~Secure treatment facilities~~ State-operated treatment programs shall cooperate with
82.13 petitioners in providing any necessary affidavits to the extent that facility staff can attest
82.14 under oath to the facts in the affidavits.

82.15 (c) The court may order the patient to provide a blood sample for blood-borne pathogen
82.16 testing if:

82.17 (1) there is probable cause to believe the employee of a ~~secure treatment facility~~
82.18 state-operated treatment program has experienced a significant exposure to the patient;

82.19 (2) the court imposes appropriate safeguards against unauthorized disclosure that must
82.20 specify the persons who have access to the test results and the purposes for which the test
82.21 results may be used;

82.22 (3) a licensed physician, advanced practice registered nurse, or physician assistant for
82.23 the employee of a ~~secure treatment facility~~ state-operated treatment program needs the test

79.18 or other uniquely identifying information. The ~~secure treatment facility~~ state-operated
79.19 treatment program shall inform the patient of the test results.

79.20 (d) If the patient refuses to provide a blood sample for testing, the ~~secure treatment~~
79.21 ~~facility~~ state-operated treatment program shall inform the employee of the patient's refusal.

79.22 Sec. 13. Minnesota Statutes 2022, section 246.716, subdivision 2, is amended to read:

79.23 Subd. 2. **Procedures without consent.** (a) A ~~secure treatment facility~~ state-operated
79.24 treatment program or an employee of a ~~secure treatment facility~~ state-operated treatment
79.25 program may bring a petition for a court order to require a patient to provide a blood sample
79.26 for testing for blood-borne pathogens. The petition shall be filed in the district court in the
79.27 county where the patient is receiving treatment from the ~~secure treatment facility~~
79.28 state-operated treatment program. The ~~secure treatment facility~~ state-operated treatment
79.29 program shall serve the petition on the patient three days before a hearing on the petition.
79.30 The petition shall include one or more affidavits attesting that:

80.1 (1) the ~~secure treatment facility~~ state-operated treatment program followed the procedures
80.2 in sections 246.71 to 246.722 and attempted to obtain blood-borne pathogen test results
80.3 according to those sections;

80.4 (2) a licensed physician, advanced practice registered nurse, or physician assistant
80.5 knowledgeable about the most current recommendations of the United States Public Health
80.6 Service has determined that a significant exposure has occurred to the employee of a ~~secure~~
80.7 ~~treatment facility~~ state-operated treatment program under section 246.721; and

80.8 (3) a physician, advanced practice registered nurse, or physician assistant has documented
80.9 that the employee has provided a blood sample and consented to testing for blood-borne
80.10 pathogens and blood-borne pathogen test results are needed for beginning, continuing,
80.11 modifying, or discontinuing medical treatment for the employee under section 246.721.

80.12 (b) Facilities shall cooperate with petitioners in providing any necessary affidavits to
80.13 the extent that facility staff can attest under oath to the facts in the affidavits.

80.14 (c) The court may order the patient to provide a blood sample for blood-borne pathogen
80.15 testing if:

80.16 (1) there is probable cause to believe the employee of a ~~secure treatment facility~~
80.17 state-operated treatment program has experienced a significant exposure to the patient;

80.18 (2) the court imposes appropriate safeguards against unauthorized disclosure that must
80.19 specify the persons who have access to the test results and the purposes for which the test
80.20 results may be used;

80.21 (3) a licensed physician, advanced practice registered nurse, or physician assistant for
80.22 the employee of a ~~secure treatment facility~~ state-operated treatment program needs the test

82.24 results for beginning, continuing, modifying, or discontinuing medical treatment for the
82.25 employee; and

82.26 (4) the court finds a compelling need for the test results. In assessing compelling need,
82.27 the court shall weigh the need for the court-ordered blood collection and test results against
82.28 the interests of the patient, including, but not limited to, privacy, health, safety, or economic
82.29 interests. The court shall also consider whether involuntary blood collection and testing
82.30 would serve the public interests.

82.31 (d) The court shall conduct the proceeding in camera unless the petitioner or the patient
82.32 requests a hearing in open court and the court determines that a public hearing is necessary
82.33 to the public interest and the proper administration of justice.

83.1 (e) The patient may arrange for counsel in any proceeding brought under this subdivision.

83.2 Sec. 14. Minnesota Statutes 2022, section 246.717, is amended to read:

83.3 **246.717 NO DISCRIMINATION.**

83.4 A ~~secure treatment facility~~ state-operated treatment program shall not withhold care or
83.5 treatment on the requirement that the patient consent to blood-borne pathogen testing under
83.6 sections 246.71 to 246.722.

83.7 Sec. 15. Minnesota Statutes 2022, section 246.721, as amended by Laws 2024, chapter
83.8 79, article 2, section 60, is amended to read:

83.9 **246.721 PROTOCOL FOR EXPOSURE TO BLOOD-BORNE PATHOGENS.**

83.10 (a) A ~~secure treatment facility~~ state-operated treatment program shall follow applicable
83.11 Occupational Safety and Health Administration guidelines under Code of Federal
83.12 Regulations, title 29, part 1910.1030, for blood-borne pathogens.

83.13 (b) Every ~~secure treatment facility~~ state-operated treatment program shall adopt and
83.14 follow a postexposure protocol for employees at a ~~secure treatment facility~~ state-operated
83.15 treatment program who have experienced a significant exposure. The postexposure protocol
83.16 must adhere to the most current recommendations of the United States Public Health Service
83.17 and include, at a minimum, the following:

83.18 (1) a process for employees to report an exposure in a timely fashion;

80.23 results for beginning, continuing, modifying, or discontinuing medical treatment for the
80.24 employee; and

80.25 (4) the court finds a compelling need for the test results. In assessing compelling need,
80.26 the court shall weigh the need for the court-ordered blood collection and test results against
80.27 the interests of the patient, including, but not limited to, privacy, health, safety, or economic
80.28 interests. The court shall also consider whether involuntary blood collection and testing
80.29 would serve the public interests.

80.30 (d) The court shall conduct the proceeding in camera unless the petitioner or the patient
80.31 requests a hearing in open court and the court determines that a public hearing is necessary
80.32 to the public interest and the proper administration of justice.

80.33 (e) The patient may arrange for counsel in any proceeding brought under this subdivision.

81.1 Sec. 14. Minnesota Statutes 2022, section 246.717, is amended to read:

81.2 **246.717 NO DISCRIMINATION.**

81.3 A ~~secure treatment facility~~ state-operated treatment program shall not withhold care or
81.4 treatment on the requirement that the patient consent to blood-borne pathogen testing under
81.5 sections 246.71 to 246.722.

81.6 Sec. 15. Minnesota Statutes 2022, section 246.72, is amended to read:

81.7 **246.72 PENALTY FOR UNAUTHORIZED RELEASE OF INFORMATION.**

81.8 Unauthorized release of the patient's name or other uniquely identifying information
81.9 under sections 246.71 to 246.722 is subject to the remedies and penalties under sections
81.10 13.08 and 13.09. This section does not preclude private causes of action against an individual,
81.11 state agency, statewide system, political subdivision, or person responsible for releasing
81.12 private data, or confidential or private information on the inmate patient.

81.13 Sec. 16. Minnesota Statutes 2022, section 246.721, is amended to read:

81.14 **246.721 PROTOCOL FOR EXPOSURE TO BLOOD-BORNE PATHOGENS.**

81.15 (a) A ~~secure treatment facility~~ state-operated treatment program shall follow applicable
81.16 Occupational Safety and Health Administration guidelines under Code of Federal
81.17 Regulations, title 29, part 1910.1030, for blood-borne pathogens.

81.18 (b) Every ~~secure treatment facility~~ state-operated treatment program shall adopt and
81.19 follow a postexposure protocol for employees at a ~~secure treatment facility~~ state-operated
81.20 treatment program who have experienced a significant exposure. The postexposure protocol
81.21 must adhere to the most current recommendations of the United States Public Health Service
81.22 and include, at a minimum, the following:

81.23 (1) a process for employees to report an exposure in a timely fashion;

83.19 (2) a process for an infectious disease specialist, or a licensed physician, advanced
83.20 practice registered nurse, or physician assistant who is knowledgeable about the most current
83.21 recommendations of the United States Public Health Service in consultation with an infectious
83.22 disease specialist, (i) to determine whether a significant exposure to one or more blood-borne
83.23 pathogens has occurred, and (ii) to provide, under the direction of a licensed physician,
83.24 advanced practice registered nurse, or physician assistant, a recommendation or
83.25 recommendations for follow-up treatment appropriate to the particular blood-borne pathogen
83.26 or pathogens for which a significant exposure has been determined;

83.27 (3) if there has been a significant exposure, a process to determine whether the patient
83.28 has a blood-borne pathogen through disclosure of test results, or through blood collection
83.29 and testing as required by sections 246.71 to 246.722;

83.30 (4) a process for providing appropriate counseling prior to and following testing for a
83.31 blood-borne pathogen regarding the likelihood of blood-borne pathogen transmission and
84.1 follow-up recommendations according to the most current recommendations of the United
84.2 States Public Health Service for testing and treatment;

84.3 (5) a process for providing appropriate counseling under clause (4) to the employee of
84.4 a ~~secure treatment facility~~ state-operated treatment program and to the patient; and

84.5 (6) compliance with applicable state and federal laws relating to data practices,
84.6 confidentiality, informed consent, and the patient bill of rights.

84.7 Sec. 16. Minnesota Statutes 2022, section 246.722, is amended to read:

84.8 **246.722 IMMUNITY.**

84.9 A ~~secure treatment facility~~ state-operated treatment program, licensed physician, advanced
84.10 practice registered nurse, physician assistant, and designated health care personnel are
84.11 immune from liability in any civil, administrative, or criminal action relating to the disclosure
84.12 of test results of a patient to an employee of a ~~secure treatment facility~~ state-operated
84.13 treatment program and the testing of a blood sample from the patient for blood-borne
84.14 pathogens if a good faith effort has been made to comply with sections 246.71 to 246.722.

84.15 Sec. 17. Laws 2023, chapter 61, article 8, section 13, subdivision 2, is amended to read:

84.16 Subd. 2. **Membership.** (a) The task force shall consist of the following members,
84.17 appointed as follows:

84.18 (1) a member appointed by the governor;

84.19 (2) the commissioner of human services, or a designee;

84.20 (3) a member representing Department of Human Services direct care and treatment
84.21 services who has experience with civil commitments, appointed by the commissioner of
84.22 human services;

84.23 (4) the ombudsman for mental health and developmental disabilities;

81.24 (2) a process for an infectious disease specialist, or a licensed physician, advanced
81.25 practice registered nurse, or physician assistant who is knowledgeable about the most current
81.26 recommendations of the United States Public Health Service in consultation with an infectious
81.27 disease specialist, (i) to determine whether a significant exposure to one or more blood-borne
81.28 pathogens has occurred, and (ii) to provide, under the direction of a licensed physician,
81.29 advanced practice registered nurse, or physician assistant, a recommendation or
81.30 recommendations for follow-up treatment appropriate to the particular blood-borne pathogen
81.31 or pathogens for which a significant exposure has been determined;

82.1 (3) if there has been a significant exposure, a process to determine whether the patient
82.2 has a blood-borne pathogen through disclosure of test results, or through blood collection
82.3 and testing as required by sections 246.71 to 246.722;

82.4 (4) a process for providing appropriate counseling prior to and following testing for a
82.5 blood-borne pathogen regarding the likelihood of blood-borne pathogen transmission and
82.6 follow-up recommendations according to the most current recommendations of the United
82.7 States Public Health Service, recommendations for testing, and treatment;

82.8 (5) a process for providing appropriate counseling under clause (4) to the employee of
82.9 a ~~secure treatment facility~~ state-operated treatment program and to the patient; and

82.10 (6) compliance with applicable state and federal laws relating to data practices,
82.11 confidentiality, informed consent, and the patient bill of rights.

82.12 Sec. 17. Minnesota Statutes 2022, section 246.722, is amended to read:

82.13 **246.722 IMMUNITY.**

82.14 A ~~secure treatment facility~~ state-operated treatment program, licensed physician, advanced
82.15 practice registered nurse, physician assistant, and designated health care personnel are
82.16 immune from liability in any civil, administrative, or criminal action relating to the disclosure
82.17 of test results of a patient to an employee of a ~~secure treatment facility~~ state-operated
82.18 treatment program and the testing of a blood sample from the patient for blood-borne
82.19 pathogens if a good faith effort has been made to comply with sections 246.71 to 246.722.

82.20 Sec. 18. Laws 2023, chapter 61, article 8, section 13, subdivision 2, is amended to read:

82.21 Subd. 2. **Membership.** (a) The task force shall consist of the following members,
82.22 appointed as follows:

82.23 (1) a member appointed by the governor;

82.24 (2) the commissioner of human services, or a designee;

82.25 (3) a member representing Department of Human Services direct care and treatment
82.26 services who has experience with civil commitments, appointed by the commissioner of
82.27 human services;

82.28 (4) the ombudsman for mental health and developmental disabilities;

- 84.24 (5) a hospital representative, appointed by the Minnesota Hospital Association;
- 84.25 (6) a county representative, appointed by the Association of Minnesota Counties;
- 84.26 (7) a county social services representative, appointed by the Minnesota Association of
84.27 County Social Service Administrators;
- 84.28 (8) a member appointed by the ~~Minnesota Civil Commitment Defense Panel~~ Hennepin
84.29 County Commitment Defense Project;
- 84.30 (9) a county attorney, appointed by the Minnesota County Attorneys Association;
- 85.1 (10) a county sheriff, appointed by the Minnesota Sheriffs' Association;
- 85.2 (11) a member appointed by the Minnesota Psychiatric Society;
- 85.3 (12) a member appointed by the Minnesota Association of Community Mental Health
85.4 Programs;
- 85.5 (13) a member appointed by the National Alliance on Mental Illness Minnesota;
- 85.6 (14) the Minnesota Attorney General;
- 85.7 (15) three individuals from organizations representing racial and ethnic groups that are
85.8 overrepresented in the criminal justice system, appointed by the commissioner of corrections;
85.9 and
- 85.10 (16) one member of the public with lived experience directly related to the task force's
85.11 purposes, appointed by the governor.
- 85.12 (b) Appointments must be made no later than July 15, 2023.
- 85.13 (c) Member compensation and reimbursement for expenses are governed by Minnesota
85.14 Statutes, section 15.059, subdivision 3.
- 85.15 (d) A member of the legislature may not serve as a member of the task force.

- 82.29 (5) a hospital representative, appointed by the Minnesota Hospital Association;
- 82.30 (6) a county representative, appointed by the Association of Minnesota Counties;
- 83.1 (7) a county social services representative, appointed by the Minnesota Association of
83.2 County Social Service Administrators;
- 83.3 (8) a member appointed by the ~~Minnesota Civil Commitment Defense Panel~~ Hennepin
83.4 County Commitment Defense Project;
- 83.5 (9) a county attorney, appointed by the Minnesota County Attorneys Association;
- 83.6 (10) a county sheriff, appointed by the Minnesota Sheriffs' Association;
- 83.7 (11) a member appointed by the Minnesota Psychiatric Society;
- 83.8 (12) a member appointed by the Minnesota Association of Community Mental Health
83.9 Programs;
- 83.10 (13) a member appointed by the National Alliance on Mental Illness Minnesota;
- 83.11 (14) the Minnesota Attorney General;
- 83.12 (15) three individuals from organizations representing racial and ethnic groups that are
83.13 overrepresented in the criminal justice system, appointed by the commissioner of corrections;
83.14 and
- 83.15 (16) one member of the public with lived experience directly related to the task force's
83.16 purposes, appointed by the governor.
- 83.17 (b) Appointments must be made no later than July 15, 2023.
- 83.18 (c) Member compensation and reimbursement for expenses are governed by Minnesota
83.19 Statutes, section 15.059, subdivision 3.
- 83.20 (d) A member of the legislature may not serve as a member of the task force.