

**311.282 Disclosure or failure to disclose confidential information under specified circumstances not to create civil or criminal liability.**

- (1) A physician licensed pursuant to KRS Chapter 311 shall not be civilly or criminally liable for the disclosure of otherwise confidential information under the following circumstances:
  - (a) If a patient of the physician has tested positive for human immunodeficiency virus discloses to the physician the identity of a spouse or sexual partner with whom the patient has cohabitated for more than one (1) year; and
  - (b) The physician recommends the patient notify the spouse or sexual partner of the positive test and refrain from engaging in sexual activity in a manner likely to transmit the virus and the patient refuses;
  - (c) If, pursuant to a perceived civil duty or the ethical guidelines of the profession, the physician reasonably and in good faith advises the spouse of the patient or sexual partner with whom the patient has cohabitated for more than one (1) year of the positive test and facts concerning the transmission of the virus; and
  - (d) The physician reports information about HIV status to the Cabinet for Health and Family Services pursuant to administrative regulations promulgated by the cabinet.
- (2) Notwithstanding the foregoing, a physician licensed pursuant to KRS Chapter 311 shall not be civilly or criminally liable for failure to disclose information relating to a positive test result for human immunodeficiency virus of a patient to a spouse.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 583, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 432, sec. 10, effective July 14, 2000. -- Created 1990 Ky. Acts ch. 443, sec. 47, effective July 13, 1990.