AIDS notification law for doctors going into effect

By The Associated Press

NEW ORLEANS — Many Louisiana doctors who know they're infected with the AIDS virus will soon have to notify state regulators of their condition or risk losing their licenses.

The 1991 law was passed as a sort of compromise after last year's failed attempt by some to require mandatory testing of doctors and other health care workers.

But some health officials and lawyers say the legislation is largely unnecessary and may be useless.

"I have questions whether the law was necessary because I think the health-care community gave no evidence that it was not acting prudently on this subject without regulatory imposition," said Robert J. Conrad Jr., an attorney for the Louisiana State Board of Medical Examiners, which sets professional standards for the state's nearly 9,000 doctors.

Under rules the board published last fall to implement the law, infected doctors who perform exposure-prone procedures, such as surgery, have to report their status by mid-January. Disclosure rules concerning registered and practical nurses are still being drafted.

The federal Centers for Disease Control and Prevention estimates that the chance of AIDS infection from an infected surgeon ranges from one in 41,667 to one in 16,667. And CDC studies of 15,785 patients showed no evidence that any had been infected by 32 health-care workers who cared for them, and later developed AIDS.

So far, only five AIDS cases can be traced to a health-care worker. All five were patients of a Florida dentist.

In Louisiana, there are no estimates on how many of the state's doctors, 2,600 dentists and 53,000 nurses may be carrying the virus.

"I have not found any health-care worker who has not given up exposure-prone procedures when they found out they were infected," said Jim Kellogg, a New Orleans lawyer whose specialties include AIDS-related litigation.

In Louisiana, the regulations for infected doctors and dentists differ slightly.

Infected doctors who perform procedures in which their patients are considered at greater risk of exposure must stop until they consult with the board.

Infected dentists, meanwhile, can continue normal practice, but under supervision by a panel of medical experts appointed by their licensing board.

"If somebody cooperates with us, there's a very, very small likelihood they would lose their license," said Barry Ogden, executive director of the Louisiana State Board of Dentistry.

The law also covers infection with the virus that causes hepatitis B.

Everything is supposed to be confidential. Not even a hospital is told of the action, Conrad said.