

**214.175 Anonymous surveys of substance abuse during pregnancy -- Participation -- Confidentiality -- Funding.**

- (1) The Cabinet for Health and Family Services may conduct periodic anonymous surveys to determine the prevalence within the Commonwealth of drug and alcohol use during pregnancy. These periodic surveys may include, but are not limited to, toxicology tests to determine the presence of alcohol, controlled substances, or other drugs which have not been prescribed due to medical necessity.
- (2) All hospitals and any other health facilities licensed pursuant to KRS Chapter 216B which provide for obstetrical services, including delivery of newborn infants, shall, as a condition of licensure, participate in any periodic surveys conducted by the Cabinet for Health and Family Services for the purposes of determining the prevalence of alcohol or other substance abuse among pregnant women and newborn infants.
- (3) Any surveys conducted pursuant to this section shall be conducted according to guidelines established by the Cabinet for Health and Family Services. The toxicology test may be performed without a physician's order and without patient or parental consent. For the purpose of this section any toxicology test performed shall be considered medically necessary.
- (4) The results of any individual toxicology tests performed pursuant to this section shall remain confidential and shall only be released to the Cabinet for Health and Family Services. Any results shall be collected and compiled in aggregate form without the name of the hospital, patient, or other means of identifying the individual subject of the test.
- (5) No test result obtained pursuant to this section shall be admissible in any court or other hearing as evidence in any proceeding, criminal or civil, against the individual subject of the test.
- (6) No hospital shall incur any liability, except for negligence, for performing any test required or authorized under KRS 214.160 and 214.175 or for reporting the result of the test pursuant to any administrative regulation promulgated by the Cabinet for Health and Family Services under KRS Chapter 13A in accordance with this section.
- (7) The cabinet may use any state appropriation and any gifts, grants, or federal funds that become available for the purposes of implementing the provisions of this section.

**Effective:** June 20, 2005

**History:** Amended 2005 Ky. Acts ch. 99, sec. 453, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 400, effective July 15, 1998. -- Created 1992 Ky. Acts ch. 442, sec. 4, effective July 14, 1992.