

Summary of Process under the Mandatory Testing and Disclosure Act (MTDA)

- The MTDA creates a procedure for the compulsory taking of bodily samples and the disclosure of personal information derived from the analysis of those bodily samples.
- This procedure is initiated by application to the Provincial Court by an exposed individual (applicant) or someone acting on that individual's behalf. This application must occur not more than 30 days after the exposure.
- The "source individual" (source) must be served with notice not less than seven days before the application is to be heard in court.
- The Provincial Court considers the application and may order that the source be tested (Testing Order).
- The applicant must serve a copy of the Testing Order and a copy of the Physician's Report to the Chief Medical Officer of Health.
- The applicant's physician, uses the Determination of Significance of Blood and/or Bodily Fluid Exposure Form as a tool in making the assessment required in the Physician Form, and is encouraged to complete the form, keep original on file and fax a copy to the Chief Medical Officer of Health.
- The Chief Medical Officer of Health (CMOH) provides a copy of the Testing Order and Physician's Report together with the results of any database search ordered by the Court to the Regional Medical Officer of Health (RMOH) for the health region where the source individual resides.
- The RMOH then designates a health professional and analyst to collect and test a sample/samples and serves notice to the source individual with directions on how to comply with the order. (Both the RMOH and the health professional can request police assistance under Section 5 of the Act.)
- The RMOH provides a copy of the test results to the applicant's physician and the source individual's physician.

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