

# Definitions and Interpretations under Mandatory Testing and Disclosure Act (MTDA) and Accompanying Regulations

## ***Applicant***

- Under the MTDA, an “applicant” is an individual who applies for a Testing Order or in respect of whom an application for a Testing Order is made.
- The applicant can be anyone who has come into contact with a “bodily substance” of a “source individual” under given situations.
  - While providing emergency assistance to a source individual who is ill, injured or unconscious as a result of an accident or other emergency.
  - While performing duties as a firefighter, paramedic or peace officer.
- The application may be made by the recipient of the exposure or a “guardian” on their behalf.

***Bodily substance*** means a natural bodily fluid or secretion.

***Communicable diseases*** referred to under this Section 18(1)(a) MTDA include:

- HIV
- Hepatitis B
- Hepatitis C

***Communicable disease databases*** as prescribed by regulation include: Northern and Southern Alberta HIV Program databases; Alberta Health and Wellness Communicable Disease Reporting System database; and the Provincial Laboratory for Public Health (Microbiology) database.

## ***Determination of significance of blood and bodily fluid exposure under the MTDA form***

- Form to be completed during physician assessment of exposure
- Form will help to guide decision-making process regarding significance of exposure and recommendations for testing order

***Guardian*** means a guardian as defined in the *Dependent Adults Act* or a guardian within the meaning of Part 2 of the *Family Law Act*.

***Physician Report under the MTDA*** means a report required for the purposes of an application made under section 3 of MTDA.

- Qualifications of physician for the purpose of preparing a Physician Report are: a member in good standing with the College of Physicians and Surgeons of Alberta.
- Form to be signed by the physician who completes the Determination of Significance of Blood and Bodily Fluid Exposure under the MTDA form.
- Form to be provided to the applicant who will submit to the Provincial Court together with the application for Testing Order. The Judge will determine whether a Testing Order will be issued requiring the source to be tested.

***Qualified health professionals*** means:

- Medical laboratory technologists
- Physicians
- Registered nurses
- Licensed Practical Nurses
- Certified combined laboratory and x-ray technicians

***Qualified analyst*** means a registered medical laboratory technologist who performs analytic services in a laboratory approved by the College of Physicians and Surgeons of Alberta.

***Source individual*** means an individual from whom a sample of bodily substance is sought for the purpose of testing.