

DATE:	AUGUST 21, 2018
NUMBER:	M.42
SUBJECT:	HUMAN IMMUNODEFICIENCY VIRUS TESTING
RELATED SECTIONS:	DSB I.95 ; MSD H.11 , CCR Title 15, Secs. 1206; PC 7500, PC 243.9, H&S 120261, 120262, 121050-70

PURPOSE

To establish guidelines for providing human immunodeficiency virus (HIV) testing and counseling.

POLICY

HIV poses a major threat to the public health and safety of anyone in direct contact with inmates afflicted with HIV. Testing for HIV shall be conducted within established procedures. Sheriff's Medical Services nursing staff will provide medically appropriate HIV pretest and posttest counseling to inmates pursuant to Health and Safety (H&S) Code Section 120262.

PROCEDURE

I. REFERRAL AND TESTING

- A. HIV testing referral may be initiated by any of the following:
 - 1. Inmate
 - 2. Medical doctor, psychiatrist, nurse
 - 3. Court order
 - 4. Correctional counselor
 - 5. Sheriff's personnel pursuant to Penal Code (PC) 7500, PC 243.9, H&S 120261, 120262, 121050-121070

- B. HIV testing consists of a blood draw. Prior to procuring the specimen and pursuant to H&S 120262, the inmate will be offered medically appropriate counseling whether or not he or she consents to testing.
 - 1. At the request of an inmate, HIV testing will be performed by a member of the Medical Services nursing staff. The inmate will be given information and afforded time to ask questions.
 - 2. Except when required by law or court order, HIV testing shall be done on a voluntary basis. A reasonable effort shall be made to obtain consent.
 - a. Court ordered and all other forensic HIV testing shall be conducted in accordance with Detention Policy and Procedure section I.95.
 - b. This testing shall be completed no later than 48 hours following receipt of the court order.

- c. Sheriff's medical personnel will not participate in facilitating court ordered or other forensic HIV blood draws.
- d. Contract forensic medical personnel will label the specimen and place the specimen in a brown paper bag. Sheriff's Medical Services will ensure the sample is processed and routed to a contracted laboratory facility for processing.

II. RESULTS

A. Upon receipt of the HIV test result:

1. Medical Services nursing staff will provide the result to the inmate in a confidential manner.
2. All inmates having HIV positive results will be scheduled for MDSC.
3. Posttest counseling will be provided by Medical Services nursing staff.
4. If the inmate was released from custody and the result of HIV testing is negative, medical staff will forward the lab results to the Sheriff's health information management (HIM) unit for imaging.
5. If the inmate was released from custody and results of HIV testing are positive, results shall be reported following the County's reportable communicable disease protocol and using the intended reporting form specific to HIV. A notation on the report form will include a statement that the inmate was released from custody prior to his/her knowledge of positive results and will include the last known address and phone number of the individual.

B. Court ordered and all other forensic HIV test results:

1. In accordance with H&S 120261 and 120262, the Sheriff's Chief Medical Officer or his designee may disclose, without consent, the HIV status of an inmate to whom an employee has had a significant exposure.
2. When requested, results shall be given to the court pursuant to PC 7500.

III. RELEASE OF INFORMATION

A. HIV information is protected by various state regulations which prohibit its release without the express written consent of the person to whom the information pertains.

B. All other requests for verbal and written reports on the HIV status of an inmate shall be referred to the Sheriff's HIM Unit for processing and release.