

DATE:	MAY 27, 2022
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 incarcerated persons afflicted with HIV. Testing for HIV shall be conducted within established procedures. Sheriff's Medical Services Division health staff will provide medically appropriate HIV pre-test and post-test counseling to incarcerated persons 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. Incarcerated person
 - 2. Medical doctor, psychiatrist, nurse
 - 3. Court order
 - 4. Correctional counselor
 - 5. Local healthcare agency
 - 6. 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 Code section 120262, the incarcerated person will be offered medically appropriate counseling whether or not they consent to testing.
 - 1. At the request of an incarcerated person, HIV testing will be performed by a member of health staff. The incarcerated person 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 Services Bureau Policies and Procedures section I.95.

 - b. This testing shall be completed no later than 48 hours following receipt of the court order.

- c. Health staff 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. Health staff 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. Health staff will provide the result to the incarcerated person in a confidential manner.
- 2. All incarcerated persons having HIV positive test results will be scheduled for the facility doctor's sick call (MDSC).
- 3. Post-test counseling will be provided by health staff.
- 4. If the incarcerated person was released from custody and the results of HIV testing is negative, health staff will forward the lab results to the Sheriff's Health Information Management (HIM) Unit for imaging into the electronic health record.
- 5. If the incarcerated person 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 incarcerated person was released from custody prior to their 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 section 120261 and 120262, the Sheriff's chief medical officer or his designee may disclose, without consent, the HIV status of an incarcerated person 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 incarcerated person shall be referred to the Sheriff's HIM Unit for processing and release.