



DIVISION OF DEVELOPMENTAL DISABILITIES
Olympia, Washington

TITLE: HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND POLICY 9.07
ACQUIRED IMMUNE-DEFICIENCY SYNDROME (AIDS)

Authority: RCW 7.70.065, 70.24
DSHS Administrative Policy 6.09

BACKGROUND

Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) are a major public health issue in Washington as in other states. HIV is primarily spread through unprotected sexual intercourse with an infected person, sharing an infected person's hypodermic needles and syringes used injecting drugs, and through transfusions with contaminated blood.

PURPOSE

It is the intent of this policy to address the public health concerns and issues related to protection of civil rights for clients and employees. This policy requires programs and organizations to provide education and training focused on elimination of high-risk behaviors which are the primary means of preventing the spread of HIV. Additionally, this policy:

- A. Provides information on HIV/AIDS;
- B. Assures protection of the civil rights of clients, staff, and service providers;
- C. Defines responsibilities for maintaining confidentiality when a client or a staff member is suspected of being infected with HIV; and
- D. Promotes use of universal precautions.

SCOPE

This policy applies to all DDD programs, organizations, and employees, as well as all contractors, providing services funded by DDD.

POLICY

DDD shall adopt DSHS Administrative Policy 6.09 on HIV/AIDS as a division policy. All contracts with vendors shall include language that requires compliance with this policy.

PROCEDURES

All DDD facilities and programs shall develop procedures related to HIV/AIDS that address their particular needs, issues, and settings. Such procedures shall be consistent with the DSHS policy on HIV/AIDS. The procedures shall include:

A. Nondiscrimination

1. DDD employees and contractors shall not discriminate in employment practices against persons who have AIDS, test HIV positive, or are perceived to have, or be at high risk, for contracting HIV.
2. DDD employees and contractors shall not discriminate in the delivery of services to clients who have or are perceived to have AIDS, or who have tested positive for HIV.

B. Confidentiality

1. DDD employees shall maintain strict confidentiality of information about clients and employees:
 - a. Diagnosed as having AIDS; and
 - b. Who have tested positive for HIV.
2. An HIV antibody test result is confidential and a DDD program, organization, or employee shall not disclose such result except as described under RCW 70.24.105.

3. When a disclosure of an HIV test result is made by a DDD employee, such disclosure shall be accompanied by the following statement in writing:

"THIS INFORMATION HAS BEEN DISCLOSED TO YOU FROM RECORDS WHERE CONFIDENTIALITY IS PROTECTED BY STATE LAW. STATE LAW PROHIBITS YOU FROM MAKING ANY FURTHER DISCLOSURE OF IT WITHOUT SPECIFIC WRITTEN CONSENT OF THE PERSON TO WHOM IT PERTAINS OR AS OTHERWISE PERMITTED BY STATE LAW. A GENERAL AUTHORIZATION FOR THE RELEASE OF MEDICAL OR OTHER INFORMATION IS NOT SUFFICIENT FOR THIS PURPOSE."

C. Counseling and Testing

1. DDD shall not require testing of:
- a. Employees for HIV as a condition of hiring, continuing employment, or promotion; and
 - b. Clients for evidence of HIV infection as a condition for admission to any of its facilities or programs, or for the delivery of services.
2. When testing for HIV is completed, DDD or its contractor shall ensure the client or the client's legal representative is provided with pre-test counseling before the test in accordance with RCW 7.70.065. DDD or its contractor shall provide the client or the client's legal representative with post-test counseling per RCW 7.70.065 when the test results are known.

D. Transmission Prevention

HIV/AIDS policies and procedures developed by DDD programs and facilities shall be consistent with the transmission prevention guidelines distributed by DSHS and the Office on AIDS, Department of Health.

E. Education and Training

1. DDD-funded facilities and programs shall facilitate HIV/AIDS training and education for employees, volunteers, and clients. Such training shall include information on the treatment of HIV/AIDS, the manner in which HIV is and is not transmitted, and methods for the prevention of transmission of the virus.
2. Each DDD facility and program shall have:
 - a. An HIV/AIDS training plan on file; and
 - b. Documentation to indicate ongoing training is provided to staff, clients, and volunteers.

F. Protection of Client Rights

1. DDD clients shall be presumed competent and have the ability to give informed consent for HIV antibody test unless declared otherwise by a court of law.
2. Prior to HIV testing, pre-test counseling shall be provided to the client and the parents or guardians to help determine if testing consent should be given. If testing is requested by the client, parent, guardian, or physician because of client's medical condition, pre-test counseling will be provided.
3. The purpose of pre-test counseling is to help the individual to understand ways to reduce the risk of HIV transmission, the nature, purpose and potential ramifications of HIV testing, the significance of the results of HIV testing, the danger of HIV infection, and assessing the individual's ability to cope with the results of HIV testing.
4. When testing clients for exposure to or a suspected infection of HIV, the facility shall have the consent of either the client, or their legal representative having authority to make medical decisions for the client.

5. a. When a client is clinically or legally incompetent to give an informed consent to test for HIV antibodies, consent shall be obtained per RCW 7.70.065, in the following order of descending priority:
 - (1) The appointed guardian of the client;
 - (2) The individual to whom the client has given a durable power of attorney encompassing the authority to make health care decisions;
 - (3) The client's spouse;
 - (4) Children of the client;
 - (5) Parents of client; or
 - (6) Adult brothers and/or sisters of the client.
- b. DDD will release results of HIV tests only to the person who is tested, or to a legal representative of the person who has been tested, and to medical facilities in accordance with state statutes and regulations. If the person tested is under 14 years of age or is incompetent, RCW 7.70.065 determines who obtains the test results. Disclosure of any test results should be in person and accompanied by post-test counseling including information regarding their confidential nature (patient's rights, "needs to know basis").
- c. DDD shall provide prevention education for staff and clients focused on eliminating high-risk behavior as the primary means of preventing the transmission of HIV.

G. Necessary Precautions

1. All staff working with clients shall routinely:
 - a. Use appropriate barrier precautions to prevent skin and mucous membrane exposure when anticipating contact with a client's blood and body fluids;
 - b. Wear gowns or aprons during procedures that are likely to generate splashes of blood or other body fluids.
2. All staff shall wash their hands and skin surfaces immediately and thoroughly:
 - a. If contaminated with blood or other body fluids; and
 - b. After gloves are removed.
3. All staff shall take precautions to prevent injuries caused by needles, scalpel blades, and other sharp instruments or devices contaminated with blood or body fluids from a client or other staff.
4. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, removed from disposable syringes, or otherwise manipulated by hand.
 - a. Staff shall place all used disposable syringes and needles, scalpel blades, and other disposable sharp items in puncture-resistant containers for disposal.
 - b. All staff shall place reusable needles in a puncture-resistant container for transport to the area for reprocessing after use. Staff shall label such containers sent to the reprocessing area as "ITEMS CONTAMINATED WITH BLOOD OR BODY FLUIDS."
5. To minimize the risk of mouth contamination, staff shall assure that mouth-pieces, resuscitation bags, or other ventilation equipment and devices are available for use in areas where the need for resuscitation is predictable.

6. Staff shall use isolation precautions as necessary if associated conditions, such as diarrhea or other infectious conditions, are diagnosed or suspected.
7. Staff shall use protective isolation precautions to protect the HIV positive client and those clients who have AIDS or HIV disease from exposure to nosocomial infections.

DEFINITIONS

- A. **"Blood"** means human blood, human blood components, and products made from human blood.
- B. **"Contaminated"** means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.
- C. **"Contaminated Sharps"** means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.
- D. **"HIV (Human Immunodeficiency Virus)"** means a virus which damages the human immune system and causes acquired immunodeficiency syndrome (AIDS).
- E. **"HIV Positive or HIV Seropositive"** means the presence of antibodies to HIV in an individual as determined by laboratory testing. "Asymptomatic (without symptoms) seropositive" individual is assumed to be infected with HIV. The term commonly refers to a stage of HIV infection which lacks the significant symptoms associated with AIDS.
- F. **"Occupational Exposure"** means reasonably anticipated skin, eye, mouth, other mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

- G. **"Universal Precautions"** are an approach to infection control. According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infected with for HIV, HBV, and other bloodborne pathogens.

SUPERSESSSION

Division Policy Directive 9.07
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Approved: /s/ Norm Davis
Director, Division of Developmental Disabilities

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