

# CALIFORNIA PRISON HEALTH CARE SERVICES



<b>VOLUME 10: PUBLIC HEALTH /INFECTION CONTROL</b>	Effective Date: 6/1/10
<b>CHAPTER 8</b>	Revision Date(s):
<b>OPT-OUT HIV ANTIBODY SCREENING POLICY</b>	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

## I. POLICY

- A. The California Prison Health Care Services (CPHCS) shall adopt opt-out human immunodeficiency virus (HIV) screening of patient-inmates in compliance with applicable state law. Prior to ordering a test that identifies infection with HIV, a medical care provider shall inform the patient-inmate that the test is planned, provide information about the test, inform the patient-inmate that there are numerous treatment options available for a patient-inmate who tests positive for HIV and that a person who tests negative for HIV should continue to be routinely tested, and advise the patient-inmate that he or she has the right to decline the test. If a patient-inmate declines the test, the medical care provider shall note that fact in the patient-inmate's medical file.
- B. This policy does not apply to mandatory, court-ordered HIV testing performed as part of a blood borne pathogen exposure among patient-inmates and/or staff working in correctional settings.
- C. Voluntary HIV testing will be offered to all patient-inmates upon entry or reentry to the California Department of Corrections and Rehabilitation (CDCR), at the patient-inmate's request, during medical encounters when recommended by a clinician, and as part of a contact investigation.
- D. At reception centers (RCs) collection of blood for HIV screening will occur at the same time as other laboratory testing (e.g., testing for syphilis or pregnancy). Prior to collecting blood specimens, patient-inmates will be provided with information about HIV screening (together with other medical information) and who they should notify if they wish to decline testing.
- E. Persons who test HIV *positive* will be counseled and notified of the results by a trained health care provider (primary care provider, psychiatrist, psychologist, or licensed clinical social worker) in a confidential setting.
- F. CPHCS primary care providers shall not disclose a patient-inmate's HIV status unlawfully.
- G. CPHCS recommends that providers follow current Centers for Disease Control and Prevention (CDC) guidelines for HIV testing in correctional health care settings. The CDC January 2009 guidelines include:
  - 1. HIV information should be provided to patient-inmates along with other medical information (e.g., hepatitis, TB) upon intake into the correctional facility. Information could be provided by counselors, videos, pamphlets, or posters.

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2. HIV information should include who has access to medical information, HIV testing policy, medical care for patient-inmates who are HIV positive, and policies concerning inmates with HIV infection.
3. Conducting HIV testing should be part of routine medical services.
4. Consent for HIV screening should be incorporated into the general informed consent for medical diagnostic services.
5. HIV test results should be provided in a confidential and timely manner.
6. Inmates with positive results should be scheduled to see a trained health care provider for notification and counseling in a confidential setting.
7. Patient-inmates with a negative result may receive information in person or through confidential written notification that does not specify the test (e.g., all tests were normal).

## II. RESONSIBILITIES

The Chief Executive Officer/Health Care Manager (CEO/HCM) is responsible for cooperatively maintaining the institution's ability to offer informed consent for voluntary opt-out HIV antibody screening for patient-inmates.

## III. REFERENCES

- California Health and Safety Code Sections 125090, 125107, and 120990
- The Centers for Disease Control and Prevention (CDC) "HIV Testing Implementation Guidance for Correctional Settings," January 2009
- CPHCS Inmate Medical Services Policies and Procedures (IMSP&P) Volume 6 *Health Record Services*, Chapter 42 *Release of Health Information: HIV Test Results*
- Volume 10 *Public Health/Infection Control*, Chapter 4 *HIV/AIDS Program Overview and Transitional Case Management Program*

Reviewed and approved by:

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**Dwight W. Winslow, M.D.**

**Chief Physician Executive**

  
Name \_\_\_\_\_ Date 5/17/10