North Carolina Department Of Correction SECTION: Care and Treatment of Patient

Division Of Prisons

POLICY # TX IV-5
PAGE 1 of 9

SUBJECT: Management of HIV Infection/Acquired Immune Deficiency Syndrome (AIDS)

EFFECTIVE DATE September 2010

SUPERCEDES DATE: September 2008

References

Related ACA Standard

4<sup>th</sup> Edition Standards for Adult Correctional Institutions 4-4357

#### **PURPOSE**

To provide clinical guidelines for managing HIV and AIDS.

### **POLICY**

The Division of Prisons Health Services will ensure that all inmate patients with HIV Disease have access to adequate medical care at all stages of the disease; that decisions regarding HIV/AIDS comply with sound medical and public health principles; that participation in the surveillance, control and prevention of HIV infection is ongoing, and that education of inmates, correctional staff, and medical staff about HIV disease is appropriate and ongoing.

### **DEFINITIONS**

It's very important to view HIV disease as a spectrum, rather than to focus solely on AIDS, which is only a part of the big picture. The term "AIDS" should only refer to the end stage of the disease. Otherwise, the terms "HIV Infection" or "HIV Disease" should be used.

- A. AIDS or Acquired Immune Deficiency Syndrome the final and most serious stage of HIV disease characterized by clinical signs and symptoms of severe immunodeficiency. The CDC surveillance definition of AIDS is widely used.
- B. Exposure A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious body fluids or materials.
- C. Facility Health Authority (As previously defined in Section 100.3 of this manual), the individual at each facility with responsibility for health care services. The final medical judgment rests with a single designated physician; but in the absence of that physician, the health authority may be another physician, physician extender, and nurse or health administrator.
- D. HIV or Human Immunodeficiency Virus- The virus that causes human immunodeficiency disease, formerly called LAV or HTLV-III. HIV type 1 (HIV-1 or HIV) is the common cause of HIV disease in the United States; HIV type 2 (HIV-2) is prevalent in some parts of Africa and occasionally occurs in the US or Europe.
- E. HIV Infection The state in which the body is invaded by the HIV virus most commonly determined by the HIV Antibody test.
- F. HIV Antibody Test (ELISA or Western Blot) A test used to identify antibodies to HIV, which indicates presence of HIV infection.
  - 1. ELISA or Enzyme-Linked Immunosorbent Assay The initial blood test used to determine if a person has been infected with HIV.
  - 2. Western Blot A more sensitive confirmatory blood test used to determine if a person has been infected with HIV. This test is used as a confirmatory test after two positive ELISA results.
- G. HIV Disease A chronic viral disease characterized by progressive immune system dysfunction that may or may not progress through the following four stages:

North Carolina Department Of Correction SECTION: Care and Treatment of Patient

Division Of Prisons

POLICY # TX IV-5
PAGE 2 of 9

SUBJECT: Management of HIV Infection/Acquired Immune Deficiency Syndrome (AIDS)

EFFECTIVE DATE September 2010
SUPERCEDES DATE: September 2008

1. The acute illness, which occurs soon after infection.

- 2. The asymptomatic period, which typically lasts years; very early in this period people develop antibodies to HIV (seroconversion)
- 3. The period of early symptomatic disease
- 4. The period of advanced symptomatic disease, including AIDS the terminal, ultimately fatal, end of the spectrum
- H. High Risk Behaviors Those activities which, when participated in, place the participant at high risk of contracting or transmitting HIV, such as sexual activity, injecting drugs, tattooing, body piercing, aggressive behavior like throwing blood or other possibly contaminated body fluids in which blood is visible (urine, feces, vomitus, sputum sweat, and tears).

# **PROCEDURES**

# Education

A comprehensive and quality education program is one of the best tools for controlling HIV infection in prison. Education of nursing staff regarding the clinical spectrum of HIV disease is an adjunct to the quality of medical care given the patient.

- A. Staff Training on HIV infection will be provided during Officer Basic Training as well as training required by the OSHA Bloodborne Pathogen Standard. All employees assigned to prison facilities will receive informational materials explaining the known ways in which HIV infection is transmitted and precautions that should be taken to reduce the risk of infection.
- B. Inmates During processing into DOP, inmates shall be provided with information about HIV infection/disease so they can minimize their risk of exposure by becoming knowledgeable in risk reduction behaviors that should be practiced both while incarcerated and after release. Those inmates with HIV Disease shall be provided information about the disease process so they can participate responsibly in their health care and minimize the risk of exposing others.
- C. Health Care Staff Every effort will be made to provide ongoing education to health care staff about the clinical spectrum of HIV disease to increase the quality of medical care given.
- D. Other Staff Agents of the Division, volunteers, and contractual staff shall be provided information about HIV infection to minimize the risk of exposure.
- E. Infection Control Personnel working in health care settings will follow the DHHS Communicable Disease Rules 15A NCAC 19A.0206.

#### **Testing**

The Division of Prisons will provide testing that complies with sound medical and public health principles. Data generated from testing will be used to address important medical management issues.

A. Routine op out testing will be offered on admission to NC DOC, during routine physicals, and by self referral from an inmate.

Testing for HIV will be completed as a part of routine laboratory testing panels. A general consent to medical, dental examinations, treatments and procedures deemed to be necessary will be obtained from the inmate at the

North Carolina Department Of Correction SECTION: Care and Treatment of Patient Division Of Prisons

POLICY # TX IV-5
PAGE 3 of 9

SUBJECT: Management of HIV Infection/Acquired Immune Deficiency Syndrome (AIDS)

EFFECTIVE DATE September 2010
SUPERCEDES DATE: September 2008

time of admission and filed in the inmate's medical record. The consent will obtain notification to the inmate that an HIV test will be included and he (she) will be given the opportunity to refuse.

- B. <u>Self Requested Testing</u> The Division will provide self requested testing when there is no documentation that an inmate has a documented positive HIV test subject to approval of the facility physician. Nurses must complete the nursing interventions outlined in the Nurse Protocol, "Inmate Self Request for HIV Antibody Test".
- C. Every pregnant woman shall be offered HIV testing by her attending physician at her first pregnant visit and in the third trimester.
- D. <u>Post-Exposure Testing</u> Inmates who have a blood borne pathogen exposure will be tested according to the DOP Blood Borne Pathogen Policy and, according to 15A NCAC 19A .0202 Control Measures for HIV. Staff who have a blood borne pathogen exposure-shall refer to the DOC Blood Borne Pathogen Safety Policy E-2 and the HCPM policy "Injuries to Staff" P II- 2.
- E. Mandatory Testing When a mandatory testing order is received either from the Public Health Department/court (pursuant to North Carolina Communicable Disease Control Rules 15A NCAC 19A .0202) or as the result of a staff/other inmate exposure, the source shall be tested Medical staff will inform the inmate that testing will be done without consent. Before participating in compulsory testing (as outlined in Section 701.3 of this manual), medical staff shall consult infection control coordinator who will consult with the Chief of Health Services/designee. Any delay required to obtain consultation with Health Services will not alter the HIV Antibody test results.
- F. <u>Validation of Tests</u> An inmate shall not be considered seropositive until all tests have been confirmed by the Western Blot method or other method approved by the Director of the State Public Laboratory. (This confirmation testing does not require two separate specimens as standard laboratory procedures automatically provide for confirmation.)
- G. <u>Test Results</u> Test results shall be filed in the inmate's medical record and will be shared only as outlined in the "Release of Information" Section IV, herein.

### **Release of Information**

All information and records that identify an inmate who has HIV infection shall be strictly confidential. The inmate's HIV status shall not be released to anyone, except as authorized by provisions in the N.C. Department of Corrections, Division of Prisons, Policies and Procedures Manual Subchapter 2D, Section .0601; Sections 410, 504.3, and 504.4 of this manual governing confidential medical records; by provisions in subsection IV (L and M) of this policy; and in accordance with the N.C. statute governing release of HIV information which in G.S. 130A - 143 allowing release under the following circumstances: (A through K below is quoted from G.S. 130A-143(b) and "Department" refers to Department of Health and Human Services (DHHS) and "Commission" refers to the Public Health Commission.

- A. Release is made of specific medical or epidemiological information for statistical purposes in a way that no person can be identified;
- B. Release is made of all or part of the medical record with the written consent of the person or persons identified or their legal guardian;
- C. Release is made to health care personnel providing medical care to the person;
- D. Release is necessary to protect the public health and is made as provided by the Commission in its rules regarding control measures for communicable diseases and conditions;
- E. Release is made pursuant to other provisions of this Article;
- F. Release is made pursuant to subpoena or court order;

North Carolina Department Of Correction SECTION: Care and Treatment of Patient

Division Of Prisons

POLICY # TX IV-5
PAGE 4 of 9

SUBJECT: Management of HIV Infection/Acquired Immune Deficiency Syndrome (AIDS)

EFFECTIVE DATE September 2010 SUPERCEDES DATE: September 2008

G. Release is made by the Department or a local health department to a court or a law enforcement officer for the purpose of enforcing the provisions of this Article pursuant to Article 1, Part 2 of this Chapter;

- H. Release is made by the Department or a local health department to another state or local public health agency for the purpose of preventing or controlling the spread of a communicable condition;
- I. Release is made by the Department for bona fide research purposes. The Commission shall adopt rules providing for the use of the information for research purposes;
- J. Release is made pursuant to G.S. 130A-144(b), or
- K. Release is made pursuant to any other provisions of law that specifically authorize or require the release of information or records related to AIDS (1983, c.891, s.2; 1987, c.782, s.13.)
- L. Release is made to a paroling/terminating inmate to facilitate access to community medical services for after care
- M. Release is made to a facility superintendent/institution head or his/her designee if he/she determines that an inmate is participating in high risk behavior. The superintendent/institution head shall confer with the facility health care authority (as the Chief of Health Services designee) to determine if that individual is an HIV infected inmate who is not following prescribed control measures, thereby presenting a significant risk of HIV transmission.

### **Counseling**

HIV pre-test counseling is not required. Post-test counseling for persons infected with HIV is required, must be individualized and shall include referrals to medical and psychological services as well as a clear explanation of control measures in accordance with North Carolina Communicable Disease Control Rules 15A NCAC 19A .0202.

### A. HIV CONTROL MEASURES

B. The following are the control measures for the Acquired Immune Deficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) infection:

### 1. Infected persons shall:

- a. refrain from sexual intercourse unless condoms are used: exercise caution when using condoms due to possible condom failure; (As sexual acts are prohibited by the rules governing inmate behavior, inmates will not be provided condoms and will be counseled to refrain from sexual acts while in the custody of the Department of Corrections, Division of Prisons);
- b. not share needles or syringes, or any other drug-related equipment, paraphernalia, or works that may be contaminated with blood through previous use;
- not donate or sell blood, plasma, platelets, other blood products, semen, ova, tissues, organs, or breast milk:
- d. have a skin test for tuberculosis;
- e. notify future sexual partners of the infection; if the time of initial infection is known, notify partners with whom sexual intercourse and/or needle sharing has occurred\_since the date of infection; and if the date of initial infection is unknown, notify partners with whom intercourse and/or needle sharing has occurred for the previous year.

#### 2. The attending physician/designee shall:

- a. give the control measures in Paragraph (1) of this Rule to infected patients, in accordance with 15A NCAC 19A .0210;
- b. if the attending physician knows the identity of the spouse of an HIV-infected patient and has not, with the consent of the infected patient, notified and counseled the spouse appropriately, the physician shall list the spouse on a form provided by the Division of Epidemiology and shall mail the form to the Division; the Division of Epidemiology will undertake to counsel the spouse; the attending physician's responsibility to notify exposed and potentially exposed persons is satisfied by fulfilling the

North Carolina Department Of Correction SECTION: Care and Treatment of Patient

Division Of Prisons

POLICY # TX IV-5
PAGE 5 of 9

SUBJECT: Management of HIV Infection/Acquired Immune

Deficiency Syndrome (AIDS)

EFFECTIVE DATE September 2010 SUPERCEDES DATE: September 2008

requirements of Subparagraph (2) (a) and (b) of this Rule; (Division of Prison medical providers shall notify DIS personnel as outlined below under "Positive Post-Test Counseling")

- c. advise infected persons concerning proper clean-up of blood and other body fluids;
- d. instruct infected persons concerning the risk of prenatal transmission and transmission by breast-feeding.
- C. At the time of admission, each inmate will receive an educational handout DC-576(S), "What Every Inmate Should Know About HIV/AIDS"
- D. Positive Post-Test Counseling
  - Post-test positive counseling will be completed by the appropriate Outreach Nurse Clinician whenever
    possible. Outreach Nurses shall counsel all inmates with a positive test result by completing the DC-476,
    "Counseling of Inmates with A Positive HIV Antibody Test", which includes giving the law mandated HIV
    control measures.
  - 2. Provide each inmate with a copy of:
    - a. DC-599 "Information For Persons With A Positive HIV Antibody Test"
    - b. Outreach Nurse Clinicians shall contact the appropriate DHHS HIV/STD Disease Intervention Specialist to meet with the inmate for partner notification. DHHS Regional offices are listed below:

Region I Asheville, NC

Phone - 828-669-3350

Region II Charlotte, NC

Phone – 7044- 566-8990

Region III Winston-Salem, NC

Phone - 336-771-4641

Region IV Raleigh, NC

Phone - 919-715-4283

Region V Fayetteville, NC

Phone - 910-486-1710

Region VI Greenville, NC

Phone - 252-355-9084

Region VII Wilmington, NC

Phone - 910-343-6493

## **Reporting Procedures**

Reporting of positive HIV antibody test results shall be done according to the North Carolina Communicable Disease Rules and as required by DOP Health Services Infection Control Policy complying with sound public health policies. This shall be the responsibility of the Outreach Nurse whenever possible. Current reporting procedures and forms are available on the epidemiology section web site <a href="http://www.epi.state.nc.us/epi/">http://www.epi.state.nc.us/epi/</a>.

- A. Confidential Communicable Disease Report- Part 1 DHHS-2124
  - 1. Nurses are to obtain the DHHS-2124 from the Epidemiology web site or by contacting their local health department for instructions.
  - 2. Telephone the local health department
    - a. Within 24 hours of receiving a positive HIV test result
    - b. Within 24 hours when there is an AIDS diagnosis according to the latest CDC AIDS Case Definition.
  - 3. Complete the report card (Part 1):
    - a. Within seven days of the telephone notification listed above (a. and b.).

North Carolina Department Of Correction SECTION: Care and Treatment of Patient

Division Of Prisons

POLICY # TX IV-5

PAGE 6 of 9

SUBJECT: Management of HIV Infection/Acquired Immune Deficiency Syndrome (AIDS)

EFFECTIVE DATE September 2010
SUPERCEDES DATE: September 2008

4. When completing the inmate county of residence portion:

- a. Use the residence at diagnosis according to form instructions. For persons in long term facilities such as prisons, the prison is considered to be the inmate's address.
- b. If the inmate is at a processing center, the residence should reflect the inmate's assigned prison facility if that is known
- 5. Send the reporting card to the Local County Health Department.
- 6. File a copy in Section II of the outpatient medical record
- 7. Record appropriate aftercare code on the OPUS screen.
- B. HIV Case Management Intake form DC-848
  - 1. Complete this form for each HIV+ test result providing as much information as possible.
  - 2. File in Section II of the outpatient medical record.
- C. Adult HIV/AIDS Confidential Case ReportCDC 50.24A (considered to be Part 2 of the Confidential Communicable Disease Report)
  - 1. Nurses may obtain this form from the local health department, by calling the state Communicable Disease Surveillance Unit in Raleigh: (919) 733-7301, or by downloading the form from the Epidemiology web site listed above.
  - 2. Complete one for each patient who is diagnosed with HIV/AIDS according to the CDC case definition.
  - 3. Mail to the local County Health Department with the DHHR 2124 form (Part 1).
  - 4. File a copy in Section II of the outpatient medical record.

#### **Staff Protection**

All personnel, including emergency responders, correctional staff, and health care staff shall follow standard blood and body fluid precautions with all inmates and adhere to other measures as outlined in the DOC Bloodborne Pathogen Safety Policy E-2.

### Programmatic, Work Assignment, Release From Prison

Based on sound public health practice, inmates diagnosed as HIV positive are eligible for any work assignment/program consideration that their health grade warrants. HIV testing shall not be done as an eligibility requirement for any work assignment/program consideration (i.e. home leave privileges, marriage request etc.)

## A. RELEASE/DISCHARGE PLANNING FOR HIV INMATES

- 1. NEEDS ASSESSMENT
- 90 180 days prior to the patient's release the Outreach Nurse Clinician will:
- Meet with inmate/patient to determine his/her need for medical appointments, case management, and pharmaceutical assistance.
- Complete the DC-436 *Authorization for Release of Confidential Information* (see HCPM #AD VI-3). Outline clinics and/or appointment as needed with community physician, case manager, etc. if needed.
- If the patient needs additional medical services which require post release aftercare planning i.e., hospice, dialysis, diabetic monitoring, social services, vocational rehabilitation, substance abuse, housing etc., refer to the facility social worker. The nurse should outline specific patient needs for the social worker.
- Initiate the DC-917 *Medical Information for Releasing HIV Inmates*.
- 2. SCHEDULING

North Carolina Department Of Correction

**Division Of Prisons** 

SECTION: Care and Treatment of Patient

POLICY # TX IV-5 **PAGE 7 of 9** 

SUBJECT: Management of HIV Infection/Acquired Immune Deficiency Syndrome (AIDS) EFFECTIVE DATE September 2010 SUPERCEDES DATE: September 2008

### 60 - 90 days prior to release the Outreach Nurse will:

- Review DC-436 and update signatures if needed (see HCPM #AD VI-3)
- Arrange appointments with community resources (physician, case manager, etc.). When warranted, arrange with the facility chain of community case manager to meet with the inmate at the unit prior to release
- Complete/Update the DC-917 *Medical Information for Releasing HIV Inmates*.

#### 3. CONFERENCE

## 30 - 60 days prior to release the outreach nurse will:

- Review DC-436 and update signatures if needed (see HCPM #AD VI-3)
- Complete DC-917 Medical Information for Releasing HIV Inmates.
   Give inmate a copy and file original in the outpatient medical record.
- Forward following information to physician, case manager, etc. If appointments are scheduled:
  - a. Copy of labs confirming HIV positive
  - b. Copy of physician orders showing current medications
  - c. Copy of most recent labs (CD4 and Viral Load)
  - d. Copy of TB Skin Test Records (DC-453)
  - e. Copy of most recent chest x-ray
  - f. Copy of signed and dated DC-436 *Authorization for Release of Information* and a blank form (see HCPM #ADVI-3)
  - g. Business card of Outreach Nurse.
  - h. Copy of DC-917 Medical Information for Releasing HIV Inmates.
- Prepare release packet for patient with the following:
  - a. Copy of DC-917 Medical Information for Releasing HIV Inmates.
  - b. Business card of Outreach Nurse
  - c. Confirm verbally and in writing the names, addresses, and phone numbers of the appointment dates, and times with clinics, physicians, case managers, etc.
- Remind the inmate that he/she is to pick up medications, prescriptions and release packet prior to release (see HCPM #504.4C)
- Review NC Control Measures with the inmate using the DC-476 *Counseling of Inmates with a Positive HIV Antibody Test.* The inmate should verbalize understanding of the control measures and sign the form.
- Review and document medication regimen and necessary information regarding adverse reactions and dosing precautions with inmate. Stress to the inmate the importance of keeping scheduled appointments. Emphasize that take home medications are non-refillable.
- 7 14 days prior to release the unit medical staff will:
- Notify Pharmacist of pending release date. Pharmacy will evaluate medication needs in order to provide a 30 day supply of medication at the time of discharge. To assure continuity of care, the unit medical provider will write prescriptions for a thirty day supply of medications. Prescriptions will not be given for narcotics and PRN medications. Medications and prescriptions are to be given to inmate prior to release. Document and instruct inmate that upon his release the DOP is no longer responsible for any medical cost incurred.
- For inmates on the drugs supported by the NC Correctional Support Program complete the appropriate referral forms and obtain prescriptions from unit provider. Forward original referral from and prescriptions to Central Pharmacy in Apex Attn: *HIV Pharmacist*. Fax referral forms and prescriptions for 30 day supply to the assigned unit pharmacists.
- Since the DOP has no jurisdiction over an inmate who is released, it is the inmate's responsibility to follow the recommended plan of care upon discharge.

North Carolina Department Of Correction SECTION: Care and Treatment of Patient Division Of Prisons

POLICY # TX IV-5 PAGE 8 of 9

SUBJECT: Management of HIV Infection/Acquired Immune EFFECTIVE DATE September 2010

Deficiency Syndrome (AIDS) SUPERCEDES DATE: September 2008

## **Clinical Care**

Adequate medical care shall be made available to all HIV infected inmates in accordance with CDC and Public Health guidelines. Medical providers will follow the "Chronic Disease Guidelines for HIV/AIDS" made available by the Chief of Health Services. Care will include access to specialists when the clinical condition indicates a need.

### **HIV Control Measure for Health Law Violators**

In accordance with G.S. 130-25 a person in the community who violates the control measures given them at the time of diagnosis shall be guilty of a misdemeanor and if convicted shall be received at the appropriate processing facility based on the county of conviction. When such a person is admitted to the NCDOC the following procedure shall be followed.

- A. The facility nurse will report the admission of the HIV health law violator to the Outreach Nurse.
- B. Outreach Nurse will confer with the designated liaison in HIV/STD to determine the history of the violation. That information will be used in the forming of a plan of care.
- C. The facility nurse/appropriate HIV Outreach Nurse will interview the inmate to determine the following:
  - The patient understands of the control measures mandated by law.
  - The cause of the health law violation such as willful intent, mental retardation, mental illness, poor judgment related to substance abuse, etc.
- D. After the initial inmate interview, the outreach nurse will in conjunction with the facility health care authority and mental health staff formulate a recommended plan of care that will reflect the underlying cause of the violation. An appropriate plan of care might include: regular counseling by the Outreach Nurse, referral to mental health, recommendation for substance abuse treatment, or recommendation for housing.
- E. The facility superintendent and/or head of the diagnostic center and the DOP Infection Control Coordinator will be notified of the recommended plan of care. Inmate assignment and transfer will be coordinated through the Division transfer office.
- F. Release before the expiration of the 24 month mandatory sentence may occur only after the State Health Director/designee and the Chief of Health Services/designee in consultation with the local health director of the inmate's county of residence and the Infection Control Coordinator, have made recommendations to the Court. The recommendation for early release would depend on a determination that discharge of the person would not create a danger to the public health. This recommendation for early release provides also for inmates who become critically ill and therefore are not a danger to the public.
- G. Inmates already in the DOP serving sentences for other offenses and found in violation of the HIV control measures will be managed according to the following procedure:
  - Report the violation to the Outreach Nurse Clinician who will consult appropriately with the HIV/STD Branch. and the DOP Infection Control Coordinator.
  - The outreach Nurse Clinician will consult with the facility superintendent/institution head and the facility nurse to determine a plan of care including any disciplinary/housing recommendations to be made.
  - The Outreach Nurse will make a referral to an HIV/STD Disease Intervention Specialist for appropriate intervention recommendations.
  - Pending consultation with the Chief of Health Services and Infection Control Coordinator, the inmate violator may be placed in administrative segregation.

North Carolina Department Of Correction Division Of Prisons

SECTION: Care and Treatment of Patient

POLICY # TX IV-5
PAGE 9 of 9

SUBJECT: Management of HIV Infection/Acquired Immune Deficiency Syndrome (AIDS) EFFECTIVE DATE SUPERCEDES DATE:

September 2010 September 2008

- 5. The Department of Correction's obligation in reporting health law violators is fulfilled when the reporting is made to the HIV/STD Branch of the DHHS\_for investigation and follow-up. This provision is not intended to limit the superintendent's authority to report any act to local law enforcement when such act is criminal, whatever the HIV status, e.g. assaults, sexual offenses.
- 6. All inmates (regardless of known HIV status) found to have participated in activities that involve the exchange of body fluids (fights, sexual activity) should be referred to the facility nurse/infection control nurse for assessment of any needed follow-up (i.e., counseling regarding need for testing for communicable diseases and risky behavior modification).

Pauls y. Smith, M.D.

Referencing Communicable Disease Rules: 10A NCAC 41A.0202

9/30/10

Paula Y. Smith, MD, Director of Health Services

Date

SOR: Infection Control Committee