

APPENDIX 603

HIV INFECTION/AIDS POLICY

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HIV INFECTION/AIDS POLICY

1.0 Policy Statement

This policy enables Job Corps centers to make appropriate decisions regarding the health care and counseling of HIV positive students, consistent with Job Corps regulations. In addition, the policy permits Job Corps to guard against behavior, which enhances the risk of HIV transmission on center. Through this policy, Job Corps meets its statutory and regulatory duties to ensure that all students benefit, to the fullest extent possible, from program services; and that they are behaviorally qualified to meet the program's conduct, discipline, work, and training standards. (Reference, Workforce Investment Act, 29 U.S. 2885)

The goals of this policy are to assure that (1) HIV positive students receive preventive health services appropriate for the student's particular needs, (2) are medically and psychologically fit to engage in job training, and (3) present no significant risk of contagion to other students at Job Corps centers.

1.1 Informing Applicants of Job Corps HIV Screening Policy

As part of the cursory exam, the center physician or designee (e.g., center nurse) shall inform students that they will be required to be screened for HIV antibodies. The center physician or designee shall also describe the Job Corps HIV/AIDS policy and ensure that the student understands that if found HIV positive, retention in the program will depend on the individual's cooperation in, and the outcome of, a medical and mental health evaluation. In addition, the center physician or designee shall provide each student with an "HIV Testing Information Sheet." (Exhibit 1)

Prior to drawing blood for the HIV test, the center physician or designee must:

- Confirm that the student (or parent/guardian, if student is minor) has signed the consent statement on the ETA 6-53, Health Questionnaire.
 - Counsel the student on the test and its implications, and document in the health record that the student has received pre-test counseling regarding the HIV test, and signed the "HIV Testing Information Sheet."
- a. Students Refusing Testing

If a student refuses to submit to HIV testing, it may be deferred until after specialized counseling regarding HIV infection and AIDS. Such counseling should include the benefits of early diagnosis and the efficacy of available prophylactic treatments. If after 2 weeks of counseling, the student continues to refuse the HIV test, an administrative termination may be necessary. The center physician may waive the HIV test if in his/her opinion there is sufficient justification. Such a waiver must be clearly documented by the center physician in the student's health record and include an explanation as to why the decision was made.

b. HIV Testing Waiver

HIV testing may only be waived if the student is otherwise medically qualified for the Job Corps training program, and agrees to avoid any behaviors that present the potential for HIV transmission to other students. (See also PRH-6, 6.10)

1.2 HIV Testing Categories

- a. All entering students shall be tested for HIV as part of the cursory medical examination within 48 hours after arrival on center.
- b. Students may also be offered testing at a later time on a voluntary basis at the discretion of the center physician.
- c. When ordered by the center physician, a student who has previously tested negative for HIV shall be retested as follows:
 - Upon reasonable suspicion of exposure to HIV
 - Based upon signs and/or symptoms of a possible AIDS-related condition
 - When diagnosed with a newly contracted sexually transmitted disease (STD)
 - When discovered to be pregnant
- d. A student who has an indeterminate test result shall be retested at 3-month intervals until a conclusive test result (i.e., negative or positive) is obtained. If a conclusive result is not obtained within 6 months, no further testing is required.
- e. Transfer students or students who are reinstated shall not be retested except under conditions as stated in Section 1.2, items a. through d.

1.3 Specimen Processing

All centers are required to send specimens for HIV testing to the nationally contracted laboratory. Centers shall follow the written protocols provided by the lab. The lab shall provide all necessary supplies and equipment. Centers shall keep a log of specimens sent to the laboratory. The log shall be kept under lock when not in use.

Centers shall not be reimbursed for HIV tests performed at other than the nationally contracted lab.

1.4 Informing and Counseling Students Regarding HIV Test Results

a. HIV Negative Students

All students with a negative HIV test shall be individually informed of their test results within 14 calendar days after receipt of test results. They shall be informed by the center physician or designee regarding the meaning of the test result and counseled about taking measures to prevent becoming infected with or transmitting HIV. Post test informing and counseling activities must be documented in the student's health record.

b. Students with Indeterminate Test Results

All students with an indeterminate HIV test shall be informed privately by the center physician or designee within 5 working days after receipt of the written indeterminate result. They shall be counseled individually regarding the meaning of the test results and advised to practice precautions as if they were HIV positive until conclusive test results are obtained (or 6 months), at which time the counseling may be modified depending on the test's outcome. Post test informing and counseling activities must be documented in the student's health record.

c. HIV Positive Students

Students with a positive HIV test result shall be informed privately by the physician or designee, preferably within 24 hours, but not later than 5 working days, after receipt of the written positive result. The center mental health consultant **MUST** be in attendance to assist in informing and counseling.

Such students shall be counseled to either abstain from sexual activity or inform prospective sex partners of their infection; to take precautions to reduce the risk of sexual transmission of HIV; to refrain from donating blood; and to refrain from using or sharing drug injection paraphernalia. They shall also be informed about the significance of the test, the risk of developing

AIDS, and the necessity for medical follow-up. In addition, HIV positive pregnant students must receive specialized counseling and careful medical attention.

Crisis intervention and treatment must be made available to address mental health problems that students may encounter upon being informed that they are HIV positive. The center mental health consultant shall provide intervention or the center shall obtain expert assistance at center expense, if necessary.

The center physician or designee must record detailed information regarding post test informing and counseling in the student's health record and sign documentation.

d. Students Off Center

If a student is not on center (e.g., AWOL, on administrative leave) when his/her test positive or indeterminate result is received by the center, the center director or designee must make every attempt to contact the student.

All actions taken to contact students not on center must be documented in the student's health record. Such entries must be specific as to date, person contacted, result, etc. All entries must be signed and dated.

e. Contact Notification

HIV positive students must be instructed in how to notify their sexual contacts and intravenous drug contacts (if they have any on or off center) that they may have been exposed to HIV and to refer them for counseling and testing.

If the student is unwilling to notify his/her **on center** contacts, the center physician or designee shall request the student to give written consent for center health services staff to notify them.

Where required to by state law (i.e., state in which center is located), the center shall report the student's HIV infection to the state and/or local health department.

1.5 Confidentiality of Test Results

a. Disclosure to Center Staff

HIV test results shall be shared only with center personnel who have a need to know for purposes of counseling, administration, and delivery of health services. These persons may include the center director, physician, health

services manager or equivalent, center mental health consultant, dentist, and other health services staff (as determined by the health services manager).

The center director must ensure that all center staff and subcontracted health providers are fully apprised of their responsibilities under the Privacy Act and Privacy Rule.

b. Disclosure by HIV Positive Students

HIV positive students must be provided with in-depth counseling emphasizing the need for confidentiality and discretion in sharing test results; however, such students must not be restricted from discussing their status with other staff or students if they so desire.

1.6 Release of Information and Medical Records (Refer to PRH-6, Appendix 601)

1.7 Medical and Mental Health Evaluation, Treatment, and Follow Up of HIV Positive Students

Job Corps center health professionals shall conduct a thorough medical and mental health evaluation of all HIV positive students to determine whether their retention in Job Corps is appropriate. The goals of this evaluation are to (1) determine whether, based on the center's medical and mental health expertise and resources, it can provide adequate health care for the HIV positive student's particular needs, (2) determine whether the HIV positive student presents a significant risk of HIV contagion to other students through irresponsible sexual behavior or intravenous drug use, and (3) if necessary, arrange for medical and mental health treatment and follow-up off center or by transfer to another center.

This evaluation shall be conducted within 21 calendar days after the test results are received on center.

- Medical Evaluation—The center physician shall assess the student's medical status, including the student's immune system functioning and the impact of HIV infection upon other body systems.
- Mental Health Evaluation—The center mental health consultant shall assess the HIV positive student's overall psycho-social status, including the student's maturity, propensity toward antisocial behavior, and motivation to function appropriately within Job Corps.

A case management team¹ shall reassess the student's medical and mental health status at least quarterly.

¹Case management team members shall include the health services manager or equivalent, physician, and center mental health consultant.

1.8 Retention and Termination of HIV Positive Students

Based on the medical and mental health evaluation, the case management team shall present to the center director the team's recommendation regarding student retention/termination. Based on team findings and recommendations, the center director shall make the decision to retain or terminate the student. The center must thoroughly document the retention/termination decision in the student's health record.

Within 10 calendar days of the decision to retain or terminate, the center director shall submit a confidential memo to the Job Corps National Director. A copy of the memo shall be placed in the student's health record. Information regarding HIV positive students shall **NOT** be reported by e-mail or FAX. The required format for the confidential memo is shown in Exhibit 2.

a. Pre-termination Options

Prior to terminating the student, the center can (1) temporarily maintain the student on center, or (2) place the student on administrative leave with pay and allowances. If the second option is chosen, the center shall provide the student with appropriate counseling and referrals to medical care nearest his/her home.

b. Medical and Vocational Referral

The center shall provide all terminated HIV positive students with medical referrals and information about other vocational training, as appropriate.

c. Appeal Process

The center director shall notify the student (and, where appropriate, the parent/legal guardian) of the termination decision in writing. The notification shall also state the following:

- Within 30 calendar days from receipt of notification, the student (or legal guardian) may request in writing that the Regional Director, Job Corps, review the decision and reinstate him/her in the program.
- The regional director shall make a decision solely on review of the record and shall notify the student of the decision regarding his or her appeal within 15 working days of the receipt of the appeal and the record.

d. 45-Day Follow Up

The center director shall ensure follow-up of all HIV positive students for 45 days following their termination, regardless of the type of termination. The center director shall advise the appropriate admissions counselor that the center shall perform all follow up. Follow-up activities must be documented in the health record and the record must be maintained in the health unit during the 45-day follow-up period. A report on follow-up activities shall be sent to the Job Corps National Director, by confidential memo 45 days after the termination date.

e. Student Records

The complete, original health record of HIV positive students shall be sent to the Job Corps National Director, within 60 days following termination, regardless of the type of termination. The record shall be reviewed and returned to the center for disposition.

1.9 Transfer for Treatment

A student may be transferred to a center which is better able to provide treatment (either on or off center), provided the student wishes such transfer. The center director and center physician of the sending and receiving centers must agree before transfer is affected.

1.10 Readmission of Terminated HIV Positive Students

A student who is terminated under this policy may send a request directly to the regional office for readmission on the basis of a change in his/her medical or mental health status. Readmission proceedings for terminated HIV positive students shall not go through the local outreach/admissions agency. If the request is approved by the regional office, the individual shall be reassessed in accordance with the policy stated in Section 1.7 above.

EXHIBIT 1 HIV Testing Information Sheet

Human immunodeficiency virus (HIV) is the virus that causes acquired immunodeficiency syndrome (AIDS). This virus can only be transmitted to others through sexual contact, the introduction of infected blood into the bloodstream (e.g., by the sharing of syringes or needles), or from an infected mother to her infant, either during the birth process or by breast-feeding. A person who is infected with HIV is likely to come down with AIDS. However, AIDS usually does not develop until many years after a person has been infected, and persons with HIV may look and feel completely healthy.

Tests are available to determine the presence of antibodies to HIV. Antibodies are substances made by the body to fight infection. The presence of antibodies (a positive antibody test) indicates that a person is infected with HIV, and is capable of infecting others with the virus. However, it takes time for the body to make antibodies after the virus gets into the body. For this reason, the antibody test for a person who has recently been infected with HIV may show that a person is "negative" (does not have antibody) or "indeterminate" (neither positive nor negative) even though that person actually carries the virus in his/her body. A test taken at a later time, when the body has had more time to make antibodies, would show that the person is positive.

If your HIV antibody test results are known, it helps your doctor decide how best to treat you for some illnesses. If you have the virus, you can receive treatment to help prevent or delay the illnesses that occur with AIDS. It may also help you to make personal decisions if you know that you have HIV and could give it to someone else. If your blood test is positive, Job Corps will conduct medical and psychosocial evaluations in order to provide appropriate medical care and counseling, as well as to determine whether it is appropriate for you to remain in Job Corps.

If your blood test is positive and the test results becomes known by others, they might think you have AIDS or that you might infect them. This may not be true, but you might be discriminated against by friends, family, employers, landlords, insurance companies, or others. Therefore, you should be extremely careful in disclosing your test results.

HIV test results and other related medical records may only be released to Job Corps staff with a need for that information for purposes of counseling, administration and delivery of health services, and to the local and/or state health department, when required by law.

Acknowledgment of receipt of information:

Student's Signature: _____

Date: _____

EXHIBIT 2
Confidential Memo (Retention/Termination)

CENTER: _____ DATE: ___/___/___

TO: National Director, Office of Job Corps

FROM: _____ (Center Director)

SUBJECT: **RETENTION/TERMINATION OF HIV POSITIVE STUDENT** (to be completed within 10 days of the decision to retain/terminate the student)

1. Laboratory Code Number: _____ 2. Age: _____ 3. Sex: _____

4. Home Zip Code: _____ 5. Date Blood Collected: ___/___/___

6. Status: Resident _____ Nonresident _____

7. Race: White (non-Hispanic) _____
 Black (non-Hispanic) _____
 Hispanic _____
 American Indian/Alaskan Native _____
 Asian or Pacific Islander _____

8. Reason Tested: Routine (Entry) _____
 Prior Indeterminate _____
 STD _____
 Pregnancy _____
 Other Medical Indication _____

9. Date Written Report Received from Lab: ___/___/___

10. Counseling Given: Yes ___ No ___ By _____

11. Transmission Category(ies):

Homosexual/Bisexual	_____	Blood Transfusion	_____
IV Drug User(IVDU)	_____	Heterosexual	_____
		Undetermined	_____

12. Date of Decision to Retain/Terminate (circle one): ___/___/___

**EXHIBIT 2
Confidential Memo (Retention/Termination)**

13. If terminated, did student receive medical referral and vocation information?
Yes ___ No _____

14. Did student receive initial medical and mental health evaluations?
No ___ Yes ___ If yes, indicate dates:

Medical Evaluation ___/___/___
Mental Health Evaluation ___/___/___

15. Medical Evaluation Findings:

T-Cell (CD4) Count (specify): _____

- Check one: _____ Asymptomatic, no treatment prescribed
- _____ Asymptomatic (e.g., low T-cell count), referred off center for treatment (describe): _____
- _____ Asymptomatic (e.g., low T-cell count), treatment provided on center (describe): _____
- _____ Symptomatic, referred off center for treatment (describe): _____
- _____ Symptomatic, treatment provided on center (describe): _____

16. If student is receiving prophylactic treatment, identify funding source:

_____	Center Funds	_____	Medicaid
_____	Third Party Funds	_____	Third Party Insurance
_____	Other (identify):		

17. Comments:

Case Manager: _____ Phone: () _____

**EXHIBIT 3
Confidential Memo (45-day Follow Up)**

CENTER: _____ DATE: ____ / ____ / ____

TO: National Director, Office of Job Corps

FROM: _____ (Center Director)

SUBJECT: **45-DAY FOLLOW UP ON TERMINATED HIV POSITIVE STUDENT**
(This follow up should be conducted 45 days after student termination)

- 1. Laboratory Code Number: _____
- 2. Were you successful in reaching the student? Yes ____ No ____
- 3. If unsuccessful, were you able to speak with someone else regarding the student?
Yes ____ No ____

If yes, to whom did you speak (indicate relationship to student)? _____

4. What is the student's status? (Check and comment below on all that apply.)

- _____ Employed
- _____ Enrolled in vocational training
- _____ Enrolled in college
- _____ Receiving medical care for HIV/AIDS
- _____ Does not respond to inquiries from center
- _____ Unable to locate
- _____ Other (Specify): _____

5. Comments: _____

CASE MANAGER: _____ Phone: (____) _____