



**ADMINISTRATIVE
POLICIES AND PROCEDURES MANUAL**

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SUBJECT

UNIVERSITY HUMAN RESOURCES POLICIES

SUB-TOPIC

AIDS/HIV INFECTION POLICIES AND GUIDELINES

I. **BACKGROUND:** The University of Texas System recognizes Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) as serious public health threats and is committed to encouraging an informed and educated response to issues and questions concerning these infections. Guidelines in this policy have been developed to address the medical, educational, legal, administrative, and ethical issues involved.

HIV causes a breakdown of the body's immune system, resulting in increased susceptibility to a variety of infections. In the early stages, a person infected with HIV may appear healthy, but may transmit the virus to others. Sometimes the individual's immune system deteriorates and the unusual infections characteristic of Acquired Immune Deficiency Syndrome (AIDS) develop.

To date, three groups of people are considered to be at risk for contracting HIV infection:

- A. **Sexual Contact:** Those having unprotected sexual contact with an infected individual;
- B. **Blood Transfer:** Those exposed to contaminated blood, blood components or products through needle sharing, injection, needle stick, or transfusions; and
- C. **Perinatal:** Infants infected by their mothers before, during, or after the time of birth.

Since its recognition as a distinct disease-causing virus in 1984, HIV has been intensively studied. The mode of transmission of HIV has been firmly established. Live HIV, in a dose sufficient to cause infection, must gain entry to the blood stream or mucous membranes to cause infection. Studies of family members of persons with AIDS/HIV show no evidence of transmission of the virus even after long term casual exposure. Thus, in the normal workplace, academic and health care settings, there is no risk of infection through casual contact. There are no known documented cases of the spread of HIV through tears, insect bites, handshaking, hugging, sleeping in the same bed, being coughed or sneezed on, touching inanimate objects, participating in sports competitions, or sharing restrooms, food or drink,



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gyms, swimming pools, living quarters or common eating areas. The probable explanation for this is that HIV can survive only inside living human cells. The virus is extremely fragile and dies quickly outside of the body.

II. PURPOSE OF GUIDELINES:

A. The purpose of this policy is to provide guidance for the U.T. System and its component institutions in complying with statutes concerning acquired immune deficiency syndrome, human immunodeficiency virus, and hepatitis B virus. In addition, the medical, legal, administrative and ethical issues related to specific situations involving persons with HIV or HBV infections in the following areas are addressed:

1. Administrative policies
2. Residence life
3. Health education
4. Testing for HIV or HBV infection
5. Confidentiality of information related to persons with AIDS, HIV or HBV infection and
6. Patient care

B. This policy is applicable to students, faculty, and employees of the U.T. System and its component institutions.

III. GENERAL POLICIES:

A. Institutional Committee: Each U.T. System component institution will appoint a task force or institution-wide committee to oversee the development and implementation of educational programs related to HIV or HBV and to advise the administration on policies regarding HIV and HBV. The task force will include, as a minimum, representation from the faculty, the student body, and administrative areas such as housing services, health services, counseling services and food services.

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- B. Admission: The existence of HIV or HBV infection should not be considered in admissions decisions unless current scientific information indicates required academic activities will likely expose others to risk of transmission.
- C. Employment: The existence of HIV or HBV infection will not be used to determine suitability for employment by any UT component institution or U.T. System Administration unless the position requires performance of exposure-prone procedures. An employee with HIV or HBV infection will remain employed as long as he or she meets job performance standards and does not engage in job-related activities which current scientific information indicates may expose others to risk of transmission.
- D. Class Attendance: A student with HIV or HBV infection should be allowed to attend all classes without restrictions, as long as the student is physically and mentally able to participate, perform assigned work, and poses no health risk to others.
- E. Access to Facilities: A person with HIV or HBV infection should not be denied access to any UT facility on the basis of HIV or HBV infection.
- F. Residential Housing: UT residential housing staff will not exclude HIV-infected or HBV-infected students from University housing, and will not inform other students that a person with HIV or HBV infection lives in University housing.
- G. Testing for HIV or HBV infection:
1. Mandatory Testing: No programs for mandatory HIV or HBV testing of employees, students, or patients should be undertaken without that person's consent unless authorized or required by law, court order, or as specified by Section G8.
 2. Voluntary Testing and Counseling: U.T. System health institutions and services, health services, counseling services and food services.

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2. (continued) student health centers should offer or refer students, faculty, and staff members for confidential or anonymous HIV counseling and testing services. All testing conducted by a component institution will include counseling before and after the test. Unless required by law, test results should be revealed to person tested only when the opportunity is provided for immediate, individual, face-to-face counseling about:
- a.) the meaning of the test result
 - b.) the possible need for additional testing
 - c.) measures to prevent the transmission of HIV
 - d.) the availability of appropriate health care services, including mental health care, and appropriate social and support services in the geographic area of the person's residence
 - e.) the benefits of partner notification and
 - f.) the availability of partner notification programs. If a person with a positive HIV test result requests that his/her partner(s) be made aware of the possibility of exposure through a partner notification program, the post-test counselor will have the HIV-infected person sign a statement requesting assistance of a partner notification program. This statement will be made a permanent part of the person's medical record. A representative of the health institution or student health center will then request the local health department to contact the partner(s) identified by the HIV-infected person.
3. Partner Notification: A health care professional who knows a patient is HIV positive and who has actual knowledge of possible transmission of the virus to a third party will notify a partner notification program established by TDH.



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4. Informed Consent:
 - a.) Unless otherwise authorized or required by law, no HIV test should be performed without informed consent of the person to be tested.
 - b.) Consent will be written on a separate form, or the medical record will document that the test has been explained and consent has been obtained. The consent form will state that post-test counseling will be offered or the medical record will note that the patient has been informed that post-test counseling will be offered.
5. Reporting of Test Results: HIV and HBV test results will be reported in compliance with all applicable statutory requirements, including the Communicable Disease Prevention and Control Act, Texas Health and Safety Code, §81.001.
6. Conditions of HIV Testing of Employees at Institution's Expense: Employees will be informed that they may request HIV testing and counseling at the institution's expense, if:
 - a.) The employee documents possible exposure to HIV while performing duties of employment, and
 - b.) The employee was exposed to HIV in a manner that is capable of transmitting HIV as determined by guidelines developed in accordance with statement of the Texas Department of Health (TDH) and Center for Disease Control (CDC).
7. Qualifying for Workers' Compensation Benefits: State law requires that an employee who bases a workers' compensation claim on a work-related exposure to HIV must provide a written statement of the date and circumstances of the exposure and document that within ten (10) days after the exposure, the employee had a test result that indicated absence of HIV infection. An employee who may have been exposed to HIV while performing duties of



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7. (continued) employment may not be required to be tested, but refusal to be tested may jeopardize Workers' Compensation benefits.

8. Testing Following Potential Exposure to HIV or HBV: Each U.T. System component should develop guidelines and protocols for employees and students who have been exposed to material that has a potential for transmitting HIV or HBV as a result of employment or educational assignments. Testing of employees or students exposed to such material should be done within ten (10) days after exposure and should be repeated after one(1) month. Testing for HIV also should be done after three (3) and six (6) months. These guidelines should follow TDH, U.S. Public Health Service and CDC guidelines.

In cases of exposure of an employee or student to another individual's ("Individual" in this paragraph) blood or body fluid, a U.T. System institution, at UT's expense, may test that Individual for HIV or HBV infection with or without the Individual's consent, provided that the test is performed under approved institutional guidelines and procedures included in the Handbook of Operating Procedures that provide criteria for testing and that respect the rights of the person being tested. This includes post-test counseling as specified in Section G2. If an HIV test is done without the Individual's consent, the guidelines must ensure that any identifying information concerning the Individual's test will be destroyed as soon as the testing is complete and the person who may have been exposed is notified of the result. Test results will be reported in compliance with all applicable statutory requirements, as specified in Section G5.

A U.T. System law enforcement officer may request TDH or a health authority duly authorized pursuant to the Local Public Health Reorganization Act, Tex. Health & Safety Code Ann., Chapter 121 (Vernon 1992), to order testing of another person who may have exposed the law enforcement officer to a reportable disease, including HIV infection. The request for such testing may be made only if the law enforcement officer believes the exposure places the law enforcement officer at risk of the reportable disease, and the law

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8. (continued) enforcement officer presents to TDH or the health authority a sworn affidavit that delineates the reasons for the request.
- H. Confidentiality of Records: Except where release is required or authorized by law, information concerning the HIV status of students, employees or patients and any portion of a medical record will be kept confidential and will not be released without written consent. HIV status in personnel files and workers' compensation files is to remain confidential and have the confidentiality status of medical records.
- I. Safety Precautions: Each U.T. System institution should develop guidelines for healthcare workers and students in the health professions concerning prevention of transmission of HIV and HBV and concerning healthcare workers who have HIV and HBV infection. All healthcare workers shall be provided instruction on universal infection control precautions. Each U.T. System healthcare worker who is involved in direct patient care should complete an educational course about HIV and HBV infection based on the model education program and workplace guidelines developed by the TDH and the guidelines of this policy.
- J. Education:
1. Employee Educational Pamphlet: Each U.T. System component should provide each employee an educational pamphlet about methods of transmission and prevention of HIV infection. The pamphlet will be the TDH educational pamphlet or a pamphlet based on the model developed by the TDH. The pamphlet should be provided to new employees on the first day of employment and to all employees annually.
 2. Information on Prevention Provided to Students:
 - a.) Each U.T. System component should routinely offer students education based on the model HIV education and prevention program developed by the TDH and tailored to the students' cultural, educational, language, and developmental needs.

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- b.) Each student health center should provide information on prevention of HIV infection including:
- 1.) the value of abstinence and long-term mutual monogamy,
 - 2.) information on the efficacy and use of condoms, and
 - 3.) state laws relating to the transmission of HIV and to conduct that may result in such transmission.
- c.) The employee educational pamphlet will be available to students on request.
3. Guidelines for Laboratory Courses: U.T. System components that offer laboratory courses requiring exposure to material that has potential for transmitting HIV or HBV should adopt safety guidelines for handling such material and distribute these guidelines to students and staff prior to their coming in contact with such material.
4. Distribution of Policy: Each U.T. System component should make available this UT Policy on HIV infection to students, faculty, and staff members by including the Policy in the student, faculty and human resource guides, if practicable, or by any other method. Institutional course catalogs should state the educational pamphlet described in Subsection J1 is available to students.
5. Education of Students Entering Health Professions: Each U.T. System institution offering medical, dental, nursing, allied health, counseling, and social work degree programs should include within the program curricula information about:
- a.) methods of transmission and methods of prevention of HIV and HBV infection including universal infection control precautions,



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- b.) federal and state laws, rules and regulations concerning HIV infection and AIDS, and
 - c.) the physical, emotional, and psychological stress associated with the care of patients with terminal illnesses.
- K. Unemployment Compensation Benefits: Each U.T. System institution will inform employees via employee or faculty guides or other appropriate methods that state law provides that an individual will be disqualified for Unemployment Compensation benefits:
- 1. if the Texas Employment Commission (TEC) finds that the employee left work voluntarily rather than provide services included within the course and scope of employment to an individual infected with a communicable disease, including HIV. This disqualification applies if the U.T. System component provided facilities, equipment, training, and supplies necessary to take reasonable precautions against infection; or
 - 2. if the TEC finds that the employee has been discharged from employments based on a refusal to provide services included within the course and scope of employment to an individual infected with a communicable disease, including HIV. This disqualification applies if the U.T. System component provided facilities, equipment, training, and supplies necessary to take reasonable precautions against infection.
- L. Health Benefits: No U.T. System student or employee will be denied benefits or provided reduced benefits under a health plan offered through the U.T. System on the basis of a positive HIV test result.