

# Chapter 246-136 WAC

## HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION—OCCUPATIONAL EXPOSURE NOTIFICATION

### WAC

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**WAC 246-136-001 Purpose.** These regulations establish procedures to assure effective communication between health officials and correctional and jail health care administrators or infection control coordinators in the event a correctional or jail staff member is substantially exposed to the bodily fluids of an offender or detainee in the course of their official duties.

[Statutory Authority: RCW 70.24.107. WSR 97-22-027, § 246-136-001, filed 10/29/97, effective 11/29/97.]

**WAC 246-136-010 Definitions.** The following definitions apply in the interpretation and enforcement of chapter 246-136 WAC:

- (1) "HIV" means human immunodeficiency virus.
- (2) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapters 70.05, 70.08 and 70.46 RCW.
- (3) "Local health officer" means the individual appointed under chapter 70.05 RCW as the health officer for the local health department, or appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.
- (4) "Local jail administrator" means the individual appointed to operate a jail facility as defined in RCW 70.48.020.
- (5) "State health officer" means the person designated by the secretary of the department of health to serve as statewide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters in the state.

[Statutory Authority: RCW 70.24.107. WSR 97-22-027, § 246-136-010, filed 10/29/97, effective 11/29/97.]

**WAC 246-136-020 Agreements between local health jurisdictions and local jails.** By November 1, 1997, local health officials and local jail administrators shall establish interagency agreements to include at a minimum:

- (1) The title of the official in the local health department assigned the duty for disclosing sexually transmitted disease information as required by RCW 70.24.105 (4)(b) and the title of the health care administrator or infection control coor-

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dinator in the local jail assigned the duty of receiving of such information;

- (2) A statement indicating that sexually transmitted disease status information is confidential and that release of such information is governed by law;

- (3) The title of the person in the local jail or local health jurisdiction assigned the duty for disclosing sexually transmitted disease information or other communicable disease information to the exposed jail staff member in accordance with RCW 70.24.105 (4)(d);

- (4) The anticipated number of days or hours from the time:

- (a) That a member of a jail staff has been possibly substantially exposed to the bodily fluids of a detained person to the time that report has been provided to the local health officer;

- (b) That such a report has been received by the local health officer to the time that a determination of substantial exposure has been made and, if appropriate, the detained person is ordered to be tested for HIV;

- (c) That mandated or other known HIV test results and other communicable disease information is disclosed only as permitted by law to the exposed jail staff person, after the detained person has been ordered to be tested for HIV; and

- (d) That the results of a new HIV test done as a result of the exposure is disclosed to the exposed jail staff person, after the detained person has been ordered to be tested for HIV;

- (5) The title and position of the position responsible for submitting to the department of health by December 1, 1997, a report to include:

- (a) The number of negative, positive and other HIV test results disclosed to department of corrections health staff or local jail health staff as required by RCW 70.24.105 (4)(a) and (b);

- (b) A listing, without jail staff or detainee identifying information, of the requests for determination of substantial exposure, the determination made and the circumstances of the exposure, and the information disclosed to the exposed jail staff person from existing records, and information disclosed to the exposed jail staff person as a new HIV or other testing.

[Statutory Authority: RCW 70.24.107. WSR 97-22-027, § 246-136-020, filed 10/29/97, effective 11/29/97.]

**WAC 246-136-030 Duties of local jail administrators.** Local jail administrators shall:

- (1) Develop communicable disease prevention guidelines as required by chapter 70.48 RCW that are consistent with chapter 246-100 WAC, WAC 296-62-08001 and the

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most recent edition of *Control of Communicable Diseases in Man*;

(2) Submit those communicable disease prevention guidelines to the local health officer for review and comment;

(3) Develop and implement policies and procedures for the distribution of communicable disease prevention guidelines to all jail staff who are at risk of occupational exposure to communicable diseases; and

(4) By November 1, 1997, submit to the department of health a summary of changes in policies and procedures as a result of chapter 345, Laws of 1997.

[Statutory Authority: RCW 70.24.107. WSR 97-22-027, § 246-136-030, filed 10/29/97, effective 11/29/97.]

**WAC 246-136-040 Duties of health officers.** State and local health officers shall:

(1) Comply with the provisions of RCW 70.24.105(4);

(2) Make available the sexually transmitted disease status of a department of corrections offender who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 to the department of corrections health care administrator or infection control coordinator identified above;

(3) Make available the sexually transmitted disease status of a person detained in a jail who has had a mandatory test conducted pursuant to RCW 70.24.340(1), 70.24.360, or 70.24.370 as per the interagency agreement in WAC 246-136-020; and

(4) Submit a copy of the interagency agreement required under WAC 246-136-020 to the Department of Health, Post Office Box 47840, Olympia, WA 98504-7840 upon execution or amendment of the agreement.

[Statutory Authority: RCW 70.24.107. WSR 97-22-027, § 246-136-040, filed 10/29/97, effective 11/29/97.]