

GEORGIA DEPARTMENT OF CORRECTIONS



Standard Operating Procedures

Policy Name: HIV Antibody Testing

Policy Number: 507.04.61

Effective Date: 2/9/2022

Page Number: 1 of 9

Authority:
Commissioner

Originating Division:
Health Services Division
(Physical Health)

Access Listing:
Level II: Required Offender
Access

I. Introduction and Summary:

Offenders entering Georgia Department of Corrections (GDC) facilities will receive HIV antibody counseling and testing within thirty (30) days of admission and when clinically indicated in accordance with procedures as identified in the communicable disease and infection control program. Upon release, offenders who have been in the system for one (1) year or longer will be tested for HIV at least thirty (30) days before their actual release from a GDC facility. This procedure applies to all facilities that house GDC offenders including county and private prisons.

II. Authority:

- A. O.C.G.A §§ 31-22-9.1, 31-22-9.2, 31-12-2, 42-5-52.1, 42-5-52.2, 42-9-42.1; and 42-1-6;
- B. Ga. Comp. R. & Regs. 125-4-4-.05 and 125-4-4-.06;
- C. GDC Standard Operating Procedures (SOPs): 220.05 Diagnostic Reception, Orientation, and Processing, 507.02.02 Confidentiality of Health Record and Release of Information, 507.04.08 Clinical Diagnostic Testing, 507.04.18 Discharge Planning, 507.04.19 Receiving Screening, 507.04.21 Health Assessment & Medical Diagnostics, 507.04.28 Chronic Care, 507.04.53 Transporting Offenders with Infectious Diseases, and 507.04.85 Informed Consent;
- D. CDC Revised Guidelines for HIV Counseling, Testing, Referral, MMWR, November 9, 2001, Vol. 50/RR-19; and
- E. ACA Standards: 5-ACI-6A-16 (Mandatory), 4-ACRS-4C-10, and 4-ALDF-4C-17.

III. Definitions:

- A. **AIDS** - Acquired Immune Deficiency Syndrome.
- B. **HIV** - Human Immunodeficiency Virus, the virus that causes AIDS.

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IV. Statement of Policy and Applicable Procedures:

A. HIV Antibody Testing on Admission to GDC:

1. All offenders entering GDC facilities will be provided HIV Pre-test education and counseling by a licensed health care provider within five (5) days of admission and Post-test education and counseling upon notification of HIV test results.
2. HIV Pre-test education will be conducted using appropriate audio/visual materials. Each offender will be given written materials regarding HIV and the meaning of a negative and positive test. (Forms P46-0001.01, P46-0001.02, P46-0001.03 or other approved forms). Spanish speaking offenders will be provided written information in Spanish (Forms P46-0001.01a, P46-0001.02a, P46-0001.03a or other approved forms). Materials are available on Captiva.
3. HIV Antibody Testing:
 - a. After offenders receive pre-test HIV antibody education and counseling, HIV antibody testing will be conducted within thirty (30) days of admission, following state guidelines, along with other diagnostic lab tests;
 - b. The contract vendor will be responsible for designating an appropriate reference laboratory for the provision of HIV Antibody Testing. The procedures used by the respective laboratory will be followed;
 - c. Offenders will be notified of test results in a reasonable time frame following receipt of the test results by the facility. Every effort will be made to notify the offender within thirty (30) days of being tested;
 - d. Notification of negative test results will be in person by a licensed health care provider knowledgeable about HIV infection and disease or a counselor who has completed the certified HIV Pre- and Post-Test Counseling program offered at the Department of Public Health (DPH),

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SEATEC or other approved training. A positive test result will be reviewed with the offender by a clinician;

- e. HIV Post-test Education and Counseling will be provided in a setting that affords privacy. A medically appropriate brochure will be offered to the offender at that time and an opportunity to ask questions will be provided. Offenders who have a need for additional information at the end of the initial notification and counseling session will be scheduled for another appointment (Positive test sheet is on CAPTIVA);
- f. Pre-and Post-test counseling will be documented on the diagnostic education treatment plan;
- g. HIV test results will be entered into the medical test screen in SCRIBE or any subsequent computer tracking system as instructed by the Office of Health Services;
- h. After notification and counseling with the offender regarding an initial HIV positive test result, a second HIV antibody test will be offered to rule out the possibility of laboratory error. Offenders may decline the retest; and
- i. Offenders who are diagnosed with HIV infection or AIDS will have this recorded on the Problem List of the health record.

B. Offenders Refusing HIV Antibody Testing:

- 1. Georgia Law requires offenders to undergo HIV antibody testing and counseling upon entry to GDC; therefore, offenders do not legally have the option to refuse this test.
- 2. Offenders who refuse testing as part of the initial diagnostic screening process upon admission to a GDC facility will be advised of the requirements of the law and will be counseled on at least two (2) separate occasions. Counseling will be documented in the Progress Notes section of the health record. If an

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offender refuses the HIV exit test, the Warden should be notified. Whether for initial diagnostic screening or for the exit test, if the offender continues to object or refuses to take a blood test for HIV after all alternative methods of persuasion such as patient counseling, education, and/or segregation are exhausted, the Responsible Health Authority will seek a court order in accordance with SOP 507.04.85, Informed Consent. To reduce the risk of staff injury due to needle sticks, at any point in the testing process if the offender becomes inadequately contained or out of control, the licensed health care provider will stop the procedure until the offender is under control.

C. HIV Antibody Counseling and Testing Following Admission to GDC:

1. Subsequent to the initial diagnostic process, offenders will be tested for the following reasons:
 - a. When medically indicated (i.e., signs and symptoms of HIV infection are present) or the offender gives a history of recent high-risk behavior;
 - b. Upon offender request but may be limited to once per year at the discretion of the physician or designee;
 - c. Upon a 60-day written request by the State Board of Pardons and Parole; and
 - d. Following incidents of exposure to body fluids that may transmit HIV infection.
2. HIV Pre- and Post-test education and counseling will be provided for offenders undergoing any HIV antibody testing and will be documented in the Progress Note section of the health record. Test results will be entered into the medical test screen in SCRIBE or any subsequent computer tracking system as instructed by the Office of Health Services.

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3. Offenders who have been in the system for one (1) year or longer will receive an HIV exit test at least thirty (30) days prior to actual release from a GDC facility:
 - a. The Health Services Administrator (HSA)/DON will coordinate identification of those offender's due to be released within the next thirty (30) days with the Warden's office;
 - b. Procedures should be developed with the Warden's Office to ensure any offender exiting the facility on short notice should be brought to medical for HIV exit testing prior to exiting the facility;
 - c. If an offender is discharged from another location such as an outside hospital or from court, a note should be entered in the medical record that the offender was not available at the facility for testing; and
 - d. The results from all HIV exit tests should be entered into SCRIBE.

D. Reporting of HIV Antibody Positive Tests and AIDS Cases:

1. HIV antibody positive test results and/or offenders who meet the definition of AIDS must be reported by the designated licensed healthcare staff to the Georgia Department of Public Health (DPH) on the designated DPH Report Form Adult HIV/AIDS Case Report Form (2-page report) found on the DPH website within seven (7) calendar days of the positive test or AIDS diagnosis. This form will be placed in a double envelope marked "Confidential" and mailed to the address listed on the form. The Statewide GDC Pre-Release HIV Coordinator in the Office of Health Services will be notified by e-mail.

E. Notification of HIV Positive offender who are released from GDC custody:

1. Offenders who are released to the community prior to being notified of HIV positive test results will be notified and counseled regarding test results by the

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GDC Statewide Pre-Release HIV Coordinator or local/district Department of Public Health.

2. The following information will be provided to the Georgia DPH so that arrangements can be made for Public Health to notify the offender:
 - a. A copy of the HIV antibody test results;
 - b. The name and GDC ID number of the offender;
 - c. The date of offender release;
 - d. The offender's address (street, city, county and telephone number);
 - e. Demographic information (race, gender, date of birth); and
 - f. Work location if known.
 - g. Information will be submitted to:

Georgia Department of Public Health
Epidemiology Section
P.O. Box 2107
Atlanta, Ga. 30303

- F. An email with the offender's name, ID number and date of positive test will be sent to the Statewide HIV Pre-Release Coordinator. Do Not put HIV status in the subject line.
- G. All HIV/AIDS related information submitted to the Georgia DPH must be placed in a double envelope and stamped "Confidential" on the outside of the envelope.
- H. Discharge Planning: Discharge planning for an offender with HIV + exit test results will be completed in accordance with SOP 507.04.18, Discharge Planning.

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I. Release of Confidential AIDS Information:

1. Confidential AIDS Information is privileged by law and will only be released in accordance with State Law and departmental policy.
2. Confidential AIDS Information is information which discloses that a person:
 - a. Has been diagnosed as having AIDS;
 - b. Has been or is being treated for AIDS;
 - c. Has been determined to be infected with HIV;
 - d. Has submitted to an HIV antibody test;
 - e. Has had a positive or negative result from an HIV test;
 - f. Has sought and received counseling regarding AIDS; and
 - g. Has been determined to be at risk of being infected with HIV and which permits identification of that person.
3. Confidential AIDS Information may be disclosed under the following circumstances:
 - a. Any person or legal entity designated in writing by the offender to receive that information per SOP 507.02.02, Confidentiality of the Health Record and Release of Information;
 - b. Any agency or department as required by law (e.g., DPH, Pardons and Parole, etc.);
 - c. To another health care provider within or outside GDC provided that the health care provider:

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- i. Have personnel or patients who may be persons at risk; and
 - ii. Has a legitimate need for that information to provide health care services to the patient.
 - iii. When it is determined that an offender is HIV positive, the responsible clinician will contact the Georgia DPH which may be responsible to disclose to that spouse, sexual partner, or child that the patient has been determined to be infected with HIV after first notifying the offender that such disclosure is going to be made;
 - iv. When arranging for partner notification through DPH; and
 - v. To the parent or guardian of a minor or incompetent person.
4. Any GDC employee who during their duties obtains confidential AIDS information will maintain the confidentiality of such information and release it only in accordance with State Law, SOP 507.02.02, Confidentiality of the Health Record and Release of Information, and HIPAA regulations.
 5. A copy of the test results may be mailed to the offender's discharge address if the offender signs a release of information form prior to leaving the facility.

Note: All forms associated with this SOP may be found on the GDC Intranet at Captiva/Resources/Health Services Documents/02 Physical Health/Health Record Manual. Both English and Spanish versions are available.

V. Attachments:

None.

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VI. Record Retention of Forms Relevant to this Policy:

Upon completion, the forms associated with this SOP will be retained in the offender's health record for 10 years.