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Title 22@ Social Security

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Division 2@ Department of Social Services-Department of Health Services

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Part 2@ Health and Welfare Agency-Department of Health Services Regulations

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Subdivision 6@ Preventive Medical Services

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Chapter 8@ Human Immunodeficiency Virus (HIV) Testing of Inmates in Correctional Facilities

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Article 2@ PROCEDURES

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Section 41111@ Delegation of Duties

41111 Delegation of Duties

(a)

The chief medical officer may delegate the following medical responsibilities to other qualified physicians and surgeons: (1) Medical assessment and determination of clinical symptoms of HIV infection, to include Stage 4 (AIDS). (2) Assessment of whether follow-up testing is medically warranted based upon the investigation of the incident and the documentation that exposure has occurred in a manner capable of transmitting HIV. (3) Any pre-test or post-test counseling and education of persons filing a report or requesting testing of an inmate, or of an inmate who is the subject of a report. (4) Attendance at or hearing any oral testimony from involved parties pertaining to the testing of any inmate prior to a decision to test an inmate or as a result of an appeal to a decision to test an inmate. If the appeal record is held open for additional statements, the taking of those statements may also be delegated. (5) Investigation of a report from a custodial officer which documents inmate behavior that may warrant HIV testing. (6) Any activities related to filing an appeal pursuant to Penal Code section 7516.5. (7) Activities related to the disclosure of information and test results to involved parties as specified in Title 8 (commencing with section 7500) of part 3 of the Penal Code. (8) Determination that good cause exists and the decision to waive the filing period for a report under Penal Code sections 7510(b) and 7512(a). (9) Writing of the decision required by Penal Code section 7511(c). (10) Distribution of copies of hearing decision pursuant

to Penal Code section 7511(c), 7512(c), 7512.5 and 7516.8. (11) Transmittal of blood specimens under Penal Code section 7530(b).

(1)

Medical assessment and determination of clinical symptoms of HIV infection, to include Stage 4 (AIDS).

(2)

Assessment of whether follow-up testing is medically warranted based upon the investigation of the incident and the documentation that exposure has occurred in a manner capable of transmitting HIV.

(3)

Any pre-test or post-test counseling and education of persons filing a report or requesting testing of an inmate, or of an inmate who is the subject of a report.

(4)

Attendance at or hearing any oral testimony from involved parties pertaining to the testing of any inmate prior to a decision to test an inmate or as a result of an appeal to a decision to test an inmate. If the appeal record is held open for additional statements, the taking of those statements may also be delegated.

(5)

Investigation of a report from a custodial officer which documents inmate behavior that may warrant HIV testing.

(6)

Any activities related to filing an appeal pursuant to Penal Code section 7516.5.

(7)

Activities related to the disclosure of information and test results to involved parties as specified in Title 8 (commencing with section 7500) of part 3 of the Penal Code.

(8)

Determination that good cause exists and the decision to waive the filing period for a report under Penal Code sections 7510(b) and 7512(a).

(9)

Writing of the decision required by Penal Code section 7511(c).

(10)

Distribution of copies of hearing decision pursuant to Penal Code section 7511(c), 7512(c), 7512.5 and 7516.8.

(11)

Transmittal of blood specimens under Penal Code section 7530(b).

(b)

The chief medical officer may delegate all functions in (a) above to qualified non-medical personnel except for the functions specified in (a)(1) and (2).