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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 5@ COUNSELING

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Section 41150@ Post-Test Counseling Guidelines

41150 Post-Test Counseling Guidelines

(a)

The post-test counseling session shall be presented by the chief medical officer, or his or her designee, and shall include, but not be limited to, a licensed physician or surgeon, registered nurse, or other health professional who has knowledge of the transmission, prevention, and etiology of HIV infection and AIDS. This session shall be provided in a private setting with the door closed to any individual requiring counseling as provided for in section 41148. If the inmate poses a threat to others, privacy should be provided to the extent possible. If a deputy must be present during the counseling session, confidentiality of the information discussed and inmates' responses shall be maintained. Before test results are disclosed, the counselor shall confirm that the test results pertain to the corresponding test subject.

(b)

The counselor providing the post-test results and education shall be prepared to discuss the meaning of the reactive ELISA and the results of the supplemental test at the time the results are presented to the test subject.

(c)

The counselor shall deliver at least 15 minutes of post-test counseling and information in person to those test subjects who tested nonreactive (negative) on the HIV antibody test. This information shall include appropriate information on the

test result and reducing the risk of exposure to HIV. Topics and information covered shall include, but not be limited to, information covered in the "Guidelines for Human Immunodeficiency Virus (HIV) Education, Information, and Testing in Correctional Facilities," December 1989, developed and distributed by the Department of Health Services, Office of AIDS.

(d)

The counselor shall deliver at least 30 minutes of post-test counseling to those test subjects who repeatedly tested reactive (positive) on the HIV antibody test and positive on the supplemental confirmatory tests. The counselor shall also assess the test subject's reaction to the test result to determine if referral to mental health services is needed. The test subject shall be reminded that a positive HIV antibody test result does not mean the test subject has AIDS; however, the importance of this result should not be minimized.

(e)

When ending the post-test counseling session, the counselor shall review the most salient points raised during the interview. These may include the meaning of the test result, particular concerns, e.g., consideration of parenthood, telling others, etc., confidentiality of the test, risk reduction behaviors and appropriate referral resources.