

Policy Title: Infectious Disease: Blood Borne Pathogens

Policy

The University of Texas Health Science Center at Houston (UTHSCH) recognizes its responsibility to protect the rights and privileges of students, employees, patients, and the general public against the contact and spread of infectious diseases. The UTHSCH is also sensitive to the needs and rights of any of its employees or students who have contracted diseases that might be infectious. In recognition of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) as serious public health threats, the UTHSCH has adopted the following policy and procedural steps to both protect the rights and well-being of those employees or students who may be infected with HIV and HBV, and to prevent the spread of HIV and HBV infections to others.

To clarify the preceding policy and procedures, the following are brief definitions of terms used:

Exposure-prone procedure: Procedure that poses a recognized risk of injury to a health care worker and that is likely to result in the health care worker's blood contacting a patient's body cavity, subcutaneous tissues, or mucous membranes.

HBeAg: That portion of the Hepatitis B virus whose presence in the blood of a person correlates with higher levels of circulating virus and therefore with greater infectivity of that person's blood; the presence of HBeAg in blood can be detected by appropriate testing.

Health Care Worker: Person who provides direct patient health care services pursuant to authorization of a license, certificate, or registration, or in the course of a training or education program. This includes students assigned to work in clinical and/or laboratory settings where there may be contact with patients' blood, body fluids, body cavities, subcutaneous tissues, or mucous membranes.

Institutional Biosafety Committee: Reviews instances of HIV, HBV, or other bloodborne pathogens and TB and other serious infectious diseases in students, researchers, and health care workers, to identify exposure-prone procedures and to determine those circumstances, if any, under which a student, researcher, or health care worker who is infected may perform such procedures. Monitors follow-up for those employees who test positive for any of the identified pathogens. Recommends to the Executive Vice President for Research and Academic Affairs infectious disease control policies and procedures to ensure the health and safety of all patients, staff, and faculty and policies and procedures to ensure compliance with all federal, state, and local statutes, regulations, and guidelines relating to TB, HIV, HBV and other significant pathogens. Updates the Institutional Biosafety Manual, UT-Houston Bloodborne Pathogen Exposure Control Plan, and UT-Houston TB Exposure Control Plan and monitors compliance with these plans.

Institutional Committee: Task force or University-wide committee appointed by the UTHSCH President to oversee development and implementation of educational programs related to HIV and HBV and to advise the administration on policies regarding HIV and HBV.

Invasive Procedure: Procedure that involves bleeding or has the potential of involving patient bleeding, including surgical entry into tissues, obstetric procedures, angiographic procedures, or cutting or removal of oral or perioral structures.

U .T. System Review Panel: Panel responsible for reviewing the actions of each Infectious Diseases Review Panel to ensure uniform and consistent compliance with guidelines, policies, and procedures, and applicable statutes and regulations regarding HIV and HBV infection.

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This policy is applicable to faculty, staff, residents, and students of the UTHSCH. In the context of this policy, "health care workers" can refer to faculty, staff, residents, or students.

I. General Principles

Admissions to schools. 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.

Residential housing. Residential housing staff will not exclude HIV- 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.

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, is able to perform assigned work, and poses no health risk to others.

Applicants for employment. The UTHSCH will not consider the existence of HIV or HBV infection as a factor when determining the suitability of applicants for employment unless the position requires performance of exposure-prone procedures.

Maintaining employment. An HIV- or HBV-infected UTHSCH employee may remain employed as long as he or she meets job performance standards and does not engage in job-related activities that current scientific information indicates may expose others to risk of transmission or expose the HIV- or HBV-infected employee to infectious communicable diseases.

Health benefits. No UTHSCH faculty member, staff member, or student 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 or HBV test result.

Access to facilities. No person with HIV or HBV infection will be denied access to any UTHSCH facility because of HIV or HBV infection.

Confidentiality. Disclosure of confidential information regarding the medical status of patients, faculty or staff members, or students is prohibited. This prohibition extends to all UTHSCH faculty, staff, and students who may have access to this type of confidential information except where disclosure is mandated by law or elsewhere in this policy.

Job performance. Where the University has established patient care and/or laboratory procedures and guidelines that demonstrably meet those established by the Texas Department of Health (TDH) and other recognized authorities, no UTHSCH faculty, staff member, or student may refuse to treat individuals infected with communicable diseases, including HIV and HBV, or to perform job duties that require handling tissue or body fluids that may have been HIV or HBV exposed. Refusal to treat such patients or to perform such job duties constitutes not only a violation of this policy but also the University's disciplinary policy and may result in disciplinary action up to and including termination.

Health care workers who perform exposure-prone procedures should know their HIV and HBV status, and those infected with HBV should know their HBeAg status. Health care workers must

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adhere to universal infection control precautions as set forth in the procedures described in *Guidelines for the Use of Biological and Chemical Agents*, published by the Clinical and Laboratory Safety Department. Health care workers who have exudative (oozing) lesions or weeping dermatitis (oozing inflammation of the skin) must refrain from all direct patient care and from handling patient-care equipment and devices used in performing invasive procedures until the condition resolves. It is the responsibility of the appropriate supervisor or attending clinician to monitor for compliance to all universal infection control precautions.

A health care worker infected with HIV or infected with HBV and who is HBeAg positive may not engage in activities that might require him or her to perform exposure-prone procedures unless the Infectious Diseases Review Panel has counseled the health care worker and has prescribed the circumstances under which he or she may perform such procedures. Actions and recommendations of the Employee Health Services shall be reported to the President of the UTHSCH and to the Chancellor of The University of Texas System and shall be reported to the System Review Panel.

All health care workers providing direct patient care must have a complete series of Hepatitis B vaccine prior to the start of direct patient care or complete the series as rapidly as is medically feasible, or must be able to show serologic confirmation of immunity to HBV.

Health care workers whose practices are modified due to infection with HIV or HBV should be offered opportunities to continue appropriate patient-care activities, if practicable; receive career counseling and job retraining; or, to the extent reasonable and practicable, be counseled to enter an alternative curriculum, if the health care worker is a student. A health care worker whose practice is modified because of HBV infection may request periodic redeterminations by the Employee Health Services based on change in the worker's HBeAg status resulting from resolution and/or treatment of the infection.

The appropriate supervisor should advise health care workers that failure to comply with the preceding precautionary measures and limitations will subject the workers to disciplinary procedures by their licensing entities where applicable, and/or by the UT-HHSC, in accordance with *Handbook* policies 5.13 Disciplinary Actions and 6.03 Conduct and Discipline.

II. Voluntary Counseling and Testing

The UTHSCH will not test students, faculty, or staff for HIV infection without their informed consent unless required by law or court order or as specified in Section III of this policy. It shall, however, encourage employees and students who have HIV infection or who have been potentially exposed to HIV to inform the UTHSCH Medical School Student Health Services (students) or UT Nursing Services (employees). These employees and students are also encouraged to seek counseling and testing either from the UHCC or from any other appropriate resource. (For work-related exposure, refer to Section III of this policy.)

The UTHSCH will report HIV and HBV test results in compliance with all applicable statutory requirements.

Except when a release is provided or authorized by law, information concerning the HIV or HBV 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 or HBV status in personnel files and workers' compensation files will remain confidential and have the confidentiality status of medical records.

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III. Work-Related Exposure to HIV and HBV

The UTHSCH has adopted guidelines for its health professionals and its students concerning the prevention of transmission of HIV and HBV and for the handling of human blood and body fluids that follow the U.S. Public Health Service Centers for Disease Control (CDC) recommendations. It is the responsibility of each faculty and staff member and student to acquaint himself or herself with and abide by these guidelines in the conduct of employment activities. Failure to do so may result in disciplinary action as described in Section II of this policy.

Any incident that may be regarded as having potential HIV or HBV exposure implications must be reported immediately to the appropriate supervisor; or for students, to the appropriate supervisor, attending clinician, the Office of Legal Affairs and Risk Management, or the Student Health Services.

If a UTHSCH health care worker or student health care worker reports unverified possible exposure to HIV while performing the duties of employment or while performing duties of his or her educational assignment, that individual will be informed that he or she may request HIV testing and counseling at the institution's expense, if:

- health care worker or student health care worker can document the possible exposure to HIV while performing duties of employment or while performing duties of his or her educational assignment,
- and the health care worker or student health care worker alleges exposure to HIV in a manner that is capable of transmitting HIV as determined by guidelines developed in accordance with statements of the TDH and CDC.

If a health care worker or student health care worker is exposed to another individual's ("Individual" in this paragraph) blood or body fluid in the course of the health care worker's or student health care worker's job assignment, the UT-HHSC, at its 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 that provide criteria for testing and that respect the rights of the person being tested. If the test is done without the Individual's consent, the guidelines 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.

Any UTHSCH employee who claims Workers' Compensation Insurance (WCI) benefits as a result of alleged HIV exposure must provide a written statement of the date circumstances of the exposure to HIV infection and document that, within 10 calendar 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 employment may not be required to be tested, but refusal to be tested may jeopardize workers' compensation benefits.

An employee will be ineligible for unemployment compensation benefits if the Texas Employment Commission finds that an employee leaves his or her job voluntarily rather than provide services within the course and scope of employment to an individual infected with an infectious disease, including HIV and HBV, or that an employee was discharged based on a refusal to provide

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services included within the course and scope of employment to an individual infected with an infectious disease, including HIV and HBV.

VI. UTHSCH Educational Efforts

The UTHSCH will provide to each new employee during new employee orientation and to all employees annually an educational pamphlet about methods of transmission and prevention of HIV infection.

For UTHSCH students, the Student Health Services will provide information to students on request on the prevention of HIV infection, including the value of abstinence and long-term mutual monogamy; information on the efficacy and the use of condoms; and state laws relating to HIV transmission and to conduct that may result in HIV transmission.

Schools within the UTHSCH will provide information about methods of transmission and methods of prevention of HIV infection; federal and state laws, rules, and regulations concerning the HIV infection and AIDS; and the physical, emotional, and psychological stress associated with the care of patients with terminal illnesses.

UTHSCH employees who are involved in hands-on patient care and/or research with HIV-exposed tissue must complete an educational course about HIV infection offered by the UT-HHSC.

Procedure

I. General Provisions

Employees who have questions about their rights in relation to HIV and HBV infection should contact Human Resources and Employee Relations. Students who have questions about their rights in relation to HIV and HBV infection should contact the Office of Research and Academic Affairs.

II. Voluntary Counseling and Testing

The University of Texas Health Services offers or refers faculty, staff members, and students for confidential HIV counseling and testing. Before testing, the employee or student must sign a Consent Form, which becomes part of that individual's medical record. All testing conducted by the UT-HHSC will include counseling before and after the test.

Unless required by law, test results will be revealed to the employee or student who was tested only when the opportunity is provided for immediate, individual, face-to-face counseling about the meaning of the test result; the possible need for additional testing; measures to prevent the transmission of HIV; 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; the benefits of partner notification; and the availability of partner-notification programs.

III. Work-Related Exposure to HIV or HBV

Employees involved in an incident that has the potential of HIV or HBV exposure must report the incident to the appropriate supervisor, who will complete a Supervisor's Report of First Injury Form; students involved in such incidents must fill out a Report of Injury to a Student form. In all cases of potential exposure, the injury report forms will be forwarded to the Office of Legal Affairs and Risk Management.

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The employee's or student's supervisor will strongly recommend that the potentially exposed employee or student receive counseling and testing, either from the UTHSCH Medical School Health Services (for students) or another resource. Employees who reject this recommendation must sign a statement to that effect on the Supervisor's Report of First Injury Form. Students who reject this recommendation must sign a statement to that effect on the Report of Injury to a Student form. The employee's or student's supervisor will also strongly recommend that any patient involved also receive counseling and testing.

Employees or students who may have been exposed to HIV or HBV as a result of employment or educational assignments should be tested within 10 calendar days after exposure, and then again after one month. Testing for HIV also should be done after three and six months. The Clinical and Laboratory Safety Department has developed procedures for employees and students to follow after exposure to HIV or HBV.

IV. UTHSCH Educational Efforts

Students may request information on HIV infection from the UTHSCH Medical School Health Services. The brochure "AIDS - The Workplace" is available to students and employees through the Office of Research and Academic Affairs.