



# Handbook Of Operating Procedures

## AIDS, HIV, AND HBV (OR HEPATITIS B)

### A. Purpose

To educate the University community concerning the transmission of Acquired Immune Deficiency Syndrome (AIDS) and provide procedures to be used to deal with the presence or anticipated presence of faculty, staff, or students on campus who have contracted Acquired Immune Deficiency Syndrome (AIDS) or AIDS-Related Complex (ARC) or who have had a positive Human Immunodeficiency Virus (HIV) antibody test.

### B. Policy

#### 1. Non-Discrimination

##### a. Access

The University shall not deny admission to the University or access to any of its programs, services, or buildings to a person who has AIDS or any related disease unless it endangers that person's health or current scientific information indicates that required academic activities may expose others to risk of transmission. The University shall review the facts of each individual case and in accordance with State law, shall base decisions on current scientific information. The final decision in each case will be made by the appropriate Vice President.

##### b. Employment

A person who is otherwise qualified shall not be denied employment because he or she has AIDS or any related disease.

##### c. Reasonable Accommodation

The University will make reasonable accommodations for students or employees with AIDS.

#### 2. Confidentiality

Confidential information shall be maintained in accordance with accepted professional standards, practices, and Federal and State laws regarding the handling of all medical information.



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Neither the University nor any student or employee should disclose to anyone the identity of a person with AIDS without prior written consent of the patient, except when state law requires the initial diagnosis of the disease to be reported to appropriate health authorities or as may be otherwise allowed or required by State Law. The number of people in the institution who are aware of the existence and/or identity of a student or employee who has AIDS should be kept to an absolute minimum, both to protect the confidentiality and privacy of the infected person and to avoid the generation of unnecessary fear and anxiety among students and employees.

The University will not ask students, employees, or applicants whether they have AIDS, nor will the University engage in any mandatory testing or screening for AIDS, ARC, or positive HIV antibody tests unless required by law. Employees or students who have AIDS are encouraged to identify themselves to the Student Health Services Office or other health care providers in order to receive proper medical advice and counsel.

### 3. Education

- a. The University shall provide on-going educational programs to inform the campus community with regard to current information on the spread of and the prevention of AIDS and related diseases. The University shall provide to students and employees on an annual basis a pamphlet about AIDS/HIV and related laws. Newly-hired employees shall receive this pamphlet on the first day of employment. Furthermore, as a part of its educational programs, the University shall have an established counseling and referral process to on-and off-campus services.
- b. Each department that employs health care workers or educates students in the health care professions shall develop guidelines and educational programs concerning prevention of transmission of HIV infection. Each University health care worker who is involved in hands-on patient care shall complete an educational course about HIV infection based on the model education program and workplace guidelines developed by the Texas Department of Health and the guidelines of this policy.
- c. Each department that offers medical, dental, nursing, allied health, counseling, and social work degree programs shall include within the program curricula information about:
  - 1) Methods of transmission and methods of prevention of HIV infection.



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- 2) Federal and state laws, rules and regulations concerning HIV infection and AIDS.
- 3) The physical, emotional, and psychological stress associated with the care of AIDS patients.

### **C. Referrals**

Persons with AIDS or related diseases shall be informed of the availability of the Student Health Services. In turn, the Student Health Services staff members may refer the patient to an appropriate outside agency, physician, hospital, counselor, or other provider. The University Student Health Services Office shall closely monitor and follow up on all referrals.

### **D. Other Departments**

Each unit, department, or division shall comply with the provisions of this policy and shall establish procedures for handling information and referring individual cases to the Student Health Services Office without comprising the confidentiality of the information.

### **E. Special Provisions**

Departments that handle any human blood or body fluids or equipment used for such purposes shall establish special procedures and protocols for handling and disposing of such body fluids and equipment in a safe manner and shall be distributed such information to all students, faculty, and staff involved in handling blood and body fluids.

Furthermore, departments that handle any human blood or body fluids or equipment used for such purposes shall establish guidelines and protocols for employees and students who have been exposed to material that has a potential for transmitting HIV as a result of employment or educational assignments.

Testing of employees or students exposed to such material should be done within seven days after exposure and should be repeated after one, three, and six months. These guidelines should follow Texas Department of Health, U.S. Public Health Service, and Center for Disease Control guide- lines.



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### **F. Qualifying for Worker's Compensation Benefits**

State law requires that an employee must provide a written statement of the date and circumstance of the exposure to the HIV infection and document that within ten 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.

### **G. Unemployment Compensation Benefits**

State law provides that an individual will be disqualified for unemployment compensation benefits:

If the Texas Workforce Commission (TWC) finds that the employee left work voluntarily rather than provide services included within the course and scope of employment to an individual infected with a communicable disease, including HIV. This disqualification applies if the University provided facilities, equipment, training, and supplies necessary to take reasonable precautions against infection.

If the TWC finds that the employee has been discharged from employment based on a refusal to provide services included within the course and scope of employment to a individual infected with a communicable disease, including HIV. This disqualification applies if the University provided facilities, equipment, training, and supplies necessary to take reasonable precautions against infection.

### **I. Health Benefits**

No University student or employee will be subjected to impermissible discrimination under a health benefits plan provided by The University of Texas System on the basis of a positive HIV test result.

### **J. Review**

This policy will be reviewed after each legislative session (every odd numbered year), no later than December 31, by the Vice President for Student Affairs and the Director of Human Resources.