

# BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY POLICIES AND PROCEDURES MANUAL

<b>Chapter: 14</b>	<b>Infection Control</b>		
<b>Section: 3</b>	<b>Universal Precautions</b>		
<b>Topic: 2</b>	<b>Universal Precautions – HIV/AIDS - Consumers</b>		
Page: 1 of 8	Supersedes Date: Pol: 6-18-98 (05-01-001) Proc: 8-29-07, 1-20-04, 7-28-98 (05-01-06)	Approval Date: Pol: 2-19-04 Proc: 11-20-08	<hr style="width: 80%; margin: 0 auto;"/> <i>Board Chairperson Signature</i>  <hr style="width: 80%; margin: 0 auto;"/> <i>Chief Executive Officer Signature</i>
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## Policy

Bay-Arenac Behavioral Health Authority (BABHA) is committed to high standards of consumer safety practices. This standard will include the use of Universal Precautions and its relationship to HIV/AIDS.

## Purpose

This policy and procedure is established to ensure appropriate standards and practices are maintained regarding the prevention, surveillance, identification and control of Infectious Diseases, to include Universal Precautions and exposure to HIV/AIDS.

## Education applies to

- All BABHA Staff
- Selected BABHA Staff, as follows: Clinical Management, Direct Care, Agency Nurses - Residential and Clinical, Ancillary Care, and Primary Care
- All Contracted Providers:  Policy Only     Policy and Procedure
- Selected Contracted Providers, as follows:
  - Policy Only     Policy and Procedure
- BABHA's Affiliates:     Policy Only     Policy and Procedure
- Other:

## Background

Human Immunodeficiency Virus (HIV) is the virus considered to be the causal agent of the disease Acquired Immunodeficiency Syndrome (AIDS). The virus is found in the body fluids (blood, semen, blood products, vaginal secretions, cerebral spinal fluid, synovial fluid, pericardial fluid and amniotic fluid) of infected individuals. Transmission of the virus is therefore associated with precutaneous or premucosal contact with these fluids. HIV is a sexually transmitted virus.

As the presence or absence of the virus in body fluids can not always be known, all individuals are considered capable of transmitting HIV.

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<b>Section: 3</b>	<b>Universal Precautions</b>		
<b>Topic: 2</b>	<b>Universal Precautions – HIV/AIDS - Consumers</b>		
<b>Page: 2 of 8</b>	<b>Supersedes Date:</b> <b>Pol: 6-18-98 (05-01-001)</b> <b>Proc: 8-29-07, 1-20-04,</b> <b>7-28-98 (05-01-06)</b>	<b>Approval Date:</b> <b>Pol: 2-19-04</b> <b>Proc: 11-20-08</b>	<hr/> <i>Board Chairperson Signature</i>
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Universal precautions shall be practiced by all employees of BABHA and by all provider staff in the community setting who have the potential for contact with the body fluids of consumers of BABHA- to reduce the risk of transmission of HIV/AIDS.

**Definitions**

**HIV:** Human Immunodeficiency Virus - the virus capable of producing AIDS.

**AIDS:** Acquired Immunodeficiency Syndrome - an illness characterized by the following:

- A. the presence of one or more opportunistic diseases indicative of an underlying cellular Immunodeficiency,
- B. the absence of known underlying causes of cellular immunodeficiency (other than HIV infection), or
- C. documented evidence of HIV infection (seropositivity is desired, but not mandatory)

**HIV Antibody:** The antibody, which develops within 1-6 months as a result of the presence of HIV in the blood stream. The presence of the HIV antibody is the measurement of the presence of HIV infection in an individual.

**Facility:** Hospital for the inpatient treatment of persons who are mentally ill, or a facility or a portion of a facility, which is operated by or under contract with a public agency or is licensed by the state and which regularly admits persons with developmental disabilities and provides residential and other services.

**Community Mental Health Services Program (CMHSP):** Any program operated directly or via contract by BABHA, for the purpose of providing treatment services for mentally impaired and developmentally disabled individuals.

**Responsible Mental Health Agency (RMHA):** The Michigan Department of Community Health (MDCH) hospital, center, or CMHSP Board responsible for providing, arranging, contracting for and/or coordinating the provision of services.

**Source Individual:** Any individual living or dead, whose blood or other potentially infectious body fluids may be a source of exposure via:

- A. The receipt of blood products and/or tissue transplant prior to the advent of HIV antibody testing of such materials

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<b>Section: 3</b>	<b>Universal Precautions</b>		
<b>Topic: 2</b>	<b>Universal Precautions – HIV/AIDS - Consumers</b>		
<b>Page: 3 of 8</b>	<b>Supersedes Date:</b> <b>Pol: 6-18-98 (05-01-001)</b> <b>Proc: 8-29-07, 1-20-04,</b> <b>7-28-98 (05-01-06)</b>	<b>Approval Date:</b> <b>Pol: 2-19-04</b> <b>Proc: 11-20-08</b>	<hr/> <i>Board Chairperson Signature</i>  <hr/> <i>Chief Executive Officer Signature</i>
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- B. Unprotected sexual contact with persons who are infected with HIV or who themselves engage in high-risk behavior; or
- C. Sharing of injectable drug materials

Protected Sex: The avoidance of transmission of body fluids through the proper use of barrier mechanisms (latex condoms) during vaginal, oral and/or anal intercourse.

Universal Precautions: A system of infectious disease control, which assumes that every direct contact with blood or body fluid is infectious.

Significant Exposure Incident: A specific eye, mouth or other mucous membrane, non-intact skin, or other parenteral contact with blood or other potentially infectious materials that result from the performance of an employee’s duties.

**Procedure**

**Admission of HIV Infected Consumers**

1. Persons who are mentally ill or developmentally disabled and who are HIV positive, or who have been diagnosed as having AIDS, are to be admitted to CMHSP governed programs in accordance with admission criteria established by the Michigan Mental Health Code (MMHC).
2. The person’s overall psychiatric, developmental, and medical condition shall be assessed, and provide the sole basis for admission, residence and person-centered planning.
  - A. Persons with HIV/AIDS who meet admission criteria shall not be denied admission to a CMH governed program, but
  - B. Persons with HIV/AIDS who do not meet criteria for mental health services, as stipulated by current policy, shall not be admitted to a CMHSP governed program.
3. A preadmission assessment shall be made on a case-by-case basis for determining priority of need for mental health versus medical care.
4. Referral to an acute medical facility is indicated for those persons whose medical needs either exceeds their mental health needs or the predetermined capabilities of the program.

**BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY  
POLICIES AND PROCEDURES MANUAL**

<b>Chapter: 14</b>	<b>Infection Control</b>		
<b>Section: 3</b>	<b>Universal Precautions</b>		
<b>Topic: 2</b>	<b>Universal Precautions – HIV/AIDS - Consumers</b>		
<b>Page: 4 of 8</b>	<b>Supersedes Date:</b> <b>Pol: 6-18-98 (05-01-001)</b> <b>Proc: 8-29-07, 1-20-04,</b> <b>7-28-98 (05-01-06)</b>	<b>Approval Date:</b> <b>Pol: 2-19-04</b> <b>Proc: 11-20-08</b>	<hr/> <i>Board Chairperson Signature</i>  <hr/> <i>Chief Executive Officer Signature</i>
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5. Referral shall be made to only those acute care medical facilities capable of providing appropriate mental health services.
6. Assessment at the time of admission to service shall include a detailed history of experience with high-risk behaviors.
7. HIV antibody testing of asymptomatic persons shall not be performed for screening purposes.
8. Confidentiality of HIV positive consumers will be maintained in accordance with the HIV confidentiality laws of the State of Michigan.
  - A. Disclosure will be made if expressly authorized in writing by the consumer who is HIV positive or diagnosed with AIDS, or by his/her legal guardian or parent if a minor, or
  - B. Disclosure will be made by the Chief Executive Officer, or his or her designee, of BABHA after consultation with the consumer, guardian or parent and the consumer's personal physician, when determined reasonably necessary to prevent a foreseeable risk of transmission.
  - C. Disclosure will be made for provision of emergency medical care to persons who refuse or whose mental status makes them incapable of providing consent and time does not allow for guardian consent or court action. The knowledge of HIV status must be essential to proper medical decisions and care, the determination of which will be made by the examining physician rendering emergency care. Rationale for this action will be documented in the permanent record.
9. Consumers diagnosed as having AIDS shall receive, in addition to the standard assessment, a comprehensive assessment, which minimally includes the following:
  - A. A comprehensive physical assessment to include an intensive evaluation for AIDS complications,
  - B. A comprehensive laboratory evaluation to include assessment of the immuno-system, and
  - C. A comprehensive neuro-psychiatric assessment to include detailed mental status examinations.
10. The Person-Centered Plan shall address the findings of the comprehensive assessments, identify multiple stressors and special needs, address specialized treatment or residential placement options and facilitate access to appropriate medical and psychiatric treatment services as well as social services.

**BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY  
POLICIES AND PROCEDURES MANUAL**

<b>Chapter: 14</b>	<b>Infection Control</b>		
<b>Section: 3</b>	<b>Universal Precautions</b>		
<b>Topic: 2</b>	<b>Universal Precautions – HIV/AIDS - Consumers</b>		
<b>Page: 5 of 8</b>	<b>Supersedes Date:</b> <b>Pol: 6-18-98 (05-01-001)</b> <b>Proc: 8-29-07, 1-20-04,</b> <b>7-28-98 (05-01-06)</b>	<b>Approval Date:</b> <b>Pol: 2-19-04</b> <b>Proc: 11-20-08</b>	<hr/> <i>Board Chairperson Signature</i>
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HIV Testing-Consumers

1. HIV antibody testing may be clinically indicated as part of a diagnostic physical assessment when ordered by a physician in the following situations:
  - A. The person meets the Center for Disease Control (CDC) definition of AIDS, or
  - B. The person exhibits symptoms of lymphadenopathy, tuberculosis or dementia, or
  - C. The person requests such testing and reports experience with high-risk behaviors.
2. Consumers who are at high-risk for infection should be encouraged to have HIV antibody testing.
3. HIV antibody testing shall be performed under conditions of informed consent with pre and post-test counseling provided only by a certified HIV/AIDS counselor. When testing is clearly indicated and the person is unwilling to consent, the clinical management should continue as if the person is HIV positive.

Post Admission HIV Infected Consumers

1. Consumers who develop HIV positivity or who are diagnosed as having AIDS after admission to a CMH-governed program shall continue to receive services without discrimination, in accordance with the MMHC. Confidentiality of such findings shall be maintained in accordance with the HIV confidentiality laws of the State of Michigan.
2. All consumers who test positive for HIV shall receive counseling by a certified HIV/AIDS counselor per the local health department or a certified HIV/AIDS counselor employed by BABHA. The counseling shall include:
  - A. An explanation of the significance of the positive findings,
  - B. The social responsibility to modify behaviors so as to minimize the transmission of the virus,
  - C. The practice of protected sex and avoidance of needle sharing,
  - D. The appropriateness of notification of sex and needle-sharing, and
  - E. That state statute (Public Act 490 of 1988) makes it a felony for a person who knows he or she is HIV positive to engage in sexual penetration with another person without having first informed the other person that he or she is HIV infected.
3. Where indicated, legal guardians or parents of minors will be provided the above counseling.

**BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY  
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<b>Section: 3</b>	<b>Universal Precautions</b>		
<b>Topic: 2</b>	<b>Universal Precautions – HIV/AIDS - Consumers</b>		
<b>Page: 6 of 8</b>	<b>Supersedes Date:</b> <b>Pol: 6-18-98 (05-01-001)</b> <b>Proc: 8-29-07, 1-20-04,</b> <b>7-28-98 (05-01-06)</b>	<b>Approval Date:</b> <b>Pol: 2-19-04</b> <b>Proc: 11-20-08</b>	<hr/> <i>Board Chairperson Signature</i>
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- Consumers, who are HIV positive, even if asymptomatic, should be routinely monitored for early collapse of the immune system. BABHA shall ensure that such follow-up procedures are made accessible to the consumer.

Source Individual Testing

Physician authorized HIV Testing may be done on an individual whose blood or potentially infectious body fluids may have been a source of transmission of HIV:

- With legal consent obtained from the source individual or legal guardian, or
- Without legal consent provided the individual was notified in writing upon admission to the facility that an HIV test may be performed without consent after an employee of the facility sustains a percutaneous mucous membrane or open wound exposure, or
- Without legal consent on individuals who are unable to receive, understand, or both, the information or execute the written consent form and a legally authorized representative of the source individual is not readily available to do either.

Reporting

- Reporting shall occur in compliance with the MDCH.
- Individuals diagnosed with AIDS are required to be reported to the local health department not later than three days from the date of diagnosis. The physician making the diagnosis has the responsibility for ensuring that the case is reported on a form provided by MDCH.
- HIV positive test results shall be reported to the local health department within 7 days by the physician who ordered the test, on a form provided by MDCH.

Partner Notification

- Partner notification should be the primary responsibility of the HIV positive individual however, if the person needs assistance:
  - BABHA may refer the person to the local health department for assistance, provided that the counselor determines that the individual is in need of assistance, and

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<b>Section: 3</b>	<b>Universal Precautions</b>		
<b>Topic: 2</b>	<b>Universal Precautions – HIV/AIDS - Consumers</b>		
<b>Page: 7 of 8</b>	<b>Supersedes Date:</b> <b>Pol: 6-18-98 (05-01-001)</b> <b>Proc: 8-29-07, 1-20-04,</b> <b>7-28-98 (05-01-06)</b>	<b>Approval Date:</b> <b>Pol: 2-19-04</b> <b>Proc: 11-20-08</b>	<hr/> <i>Board Chairperson Signature</i>  <hr/> <i>Chief Executive Officer Signature</i>
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- B. Referral information shall include all information determined necessary by the local health department to carry out its responsibility and may include name, address and telephone number of that person.

Record Keeping

- 1. Consumer records shall be maintained as to ensure confidentiality and effective service delivery.
  - A. Medical histories, physical examinations, nursing assessments, psychosocial assessment, signed informed consent forms, lab reports, progress notes and consultation reports which reference HIV infection, AIDS or high-risk behaviors shall be maintained in the usual section of the permanent records.
  - B. The records shall not be highlighted in any way, which would identify the person as being HIV infected.

Attachments

N/A

Related Forms

N/A

Related Materials

N/A

References/Legal Authority

AIDS Law for Mental Health Professionals by Gary James Woods, JD, Robert Marks with James W. Dilley, MD  
DMH - Acquired Immunodeficiency Syndrome Proposed Guideline June 21, 1990.  
Michigan HIV Laws as prepared by the Michigan Department of Public Health revised October, 1989.

**BAY-ARENAC BEHAVIORAL HEALTH AUTHORITY  
POLICIES AND PROCEDURES MANUAL**

<b>Chapter: 14</b>	<b>Infection Control</b>		
<b>Section: 3</b>	<b>Universal Precautions</b>		
<b>Topic: 2</b>	<b>Universal Precautions – HIV/AIDS - Consumers</b>		
<b>Page: 8 of 8</b>	<b>Supersedes Date:</b> <b>Pol: 6-18-98 (05-01-001)</b> <b>Proc: 8-29-07, 1-20-04,</b> <b>7-28-98 (05-01-06)</b>	<b>Approval Date:</b> <b>Pol: 2-19-04</b> <b>Proc: 11-20-08</b>	  <hr/> <i>Board Chairperson Signature</i>  <hr/> <i>Chief Executive Officer Signature</i>
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Michigan Recommendations on HIV - Infected Health Care Workers October 1, 1991.  
 Prepared by the AD Hoc Committee on HIV Infected Health Care Workers - Michigan  
 Department of Public Health.  
 Commission on Accreditation of Rehabilitation Facilities (CARF)

<b>SUBMISSION FORM</b>				
<b>AUTHOR/ REVIEWER</b>	<b>APPROVING BODY/COMMITTEE/ SUPERVISOR</b>	<b>APPROVAL /REVIEW DATE</b>	<b>ACTION (Deletion, New, No Changes, Replacement or Revision)</b>	<b>REASON FOR ACTION - If replacement list policy to be replaced</b>
M. Bartlett	MMPRC	11/20/2008		
M. Bartlett	MMPRC	09/21/2010		
M. Bartlett	MMPRC	10/18/2011		
M. Bartlett	MMPRC	10/17/2012		
S. VanParis	HPC	09/24/2015	No Changes	Triennial Review
S. Van Paris	J. Kreiner	10/22/18	No Changes	Triennial Review
S. Van Paris	Dr. Roderick Smith	8/31/21	No Changes	Triennial Review
S. Van Paris	HPC	8/20/25	No Changes	Triennial Review