



TRI-COUNTIES REGIONAL CENTER

Enhancing the Quality of Life for Persons with Developmental Disabilities

Policies & Guidelines

Policies and Guidelines – 13401
Approved by DDS: 1/22/2013

SERVICE POLICY GUIDELINES

HIV, AIDS and other Communicable Diseases:

Tri-Counties Regional Center will assure that persons with developmental disabilities have the same protections under the law as non-disabled persons. Tri-Counties Regional Center recognizes that it has a responsibility to assist persons served, and where appropriate their families, in their efforts to full and convenient access to all private and public resources available to them.

Tri-Counties Regional Center will not discriminate in the provision of services to individuals who have tested positive for Human Immunodeficiency Virus (HIV) or who have been diagnosed with Acquired Immune Deficiency Syndrome (AIDS) or any other communicable disease. Tri-Counties Regional Center will serve individuals with developmental disabilities who are infected with HIV, hepatitis B, shigella, scabies, CMV, MRSA, and/or other communicable diseases with accommodation for the individual's right to privacy and confidentiality.

Tri-Counties Regional Center will advocate for its individuals and their families to ensure that no private or public resource discriminates in the provision of services to persons served who have tested positive for HIV or who have been diagnosed with AIDS or any other communicable disease. Any violation, denial, or neglect of rights will be immediately reported to the appropriate individual or agency. Tri-Counties Regional Center will advocate for the rights of persons served through both individual and systemic advocacy activities.

Confidentiality is of prime importance when dealing with a diagnosis of HIV or other communicable diseases because of the potential for discrimination based on any test or diagnosis that indicates the presence of such disease. At the same time it is recognized that a communicable disease may pose a serious risk to all involved parties including service providers, other persons served, and particularly the infected individual. While certain standard precautions can minimize or reduce those risks, knowledge of positive test results can be useful in protecting all parties. Therefore, in appropriate circumstances, Tri-Counties Regional Center will use all legal means to obtain authorizations to disclose relevant information about infected individuals to those parties with a need to know.

Tri-Counties Regional Center does not recommend testing for specific communicable diseases on a routine basis. Tri-Counties Regional Center may request specific testing when it is necessary to protect the rights of the individual who may be infected or the rights of those who may come in contact with him or her.

No individual may be tested for a communicable disease without proper consent from the person legally authorized to provide such consent. Tri-Counties Regional Center's Executive Director may provide consent for such testing when no other legally authorized entity is available to grant consent. Persons otherwise legally authorized to grant informed consent include:

- an unconserved adult individual receiving services;
- a legal conservator empowered with the specific authority to make medical decisions for a dependent adult receiving services;



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- the parent or legal guardian of a minor under the age of twelve (12), or the parent or legal guardian of any minor who is not competent to give such consent.
- the proper jurisdictional court when a child is a dependent of the court;
- a child of twelve (12) or more years of age who is able to understand and give knowing, intelligent and voluntary assent.

All records containing information about an individual's being tested for HIV or AIDS, about their HIV antibody status or about a diagnosis of AIDS will be kept in a supplemental record which will be held to an exceptional level of confidentiality. These records will be kept separate from the individual's case record and information about the existence of this supplemental record or any information contained in it will be made available only to persons with a need to know and only with specific consent to release this information.

Tri-Counties Regional Center will implement an educational program for its employees regarding HIV, AIDS and other communicable diseases. Tri-Counties Regional Center will assist persons served, their families, and service providers to obtain educational information regarding the prevention of communicable diseases and to secure appropriate services for the treatment and management for communicable diseases.

Direct service providers have regular contact with individuals served by Tri-Counties Regional Center and have reasonable control over the environments in which they deliver services. Accordingly, direct service providers have the primary responsibility to exercise appropriate precautions for the control of communicable diseases, including the adoption of universal health precautions.

Tri-Counties Regional Center will endeavor to ensure that its vendors do not deny services nor discriminate in the provision of services to eligible persons who are known or suspected of having had an HIV test, or of being HIV positive, or diagnosed with AIDS. Tri-Counties Regional Center will endeavor to ensure that its vendors do not require HIV testing as a condition of referral.