

# Appendix G: Policy on AIDS and HIV Infection

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## Background

The University of Texas at Austin recognizes human immunodeficiency virus (HIV) as a serious public health threat and is committed to promoting an informed, educated and responsive University community regarding HIV and the associated Acquired Immune Deficiency Syndrome (AIDS). This policy provides the framework for managing risks associated with HIV and AIDS in compliance with state laws and in the context of the medical, educational, legal, administrative, and ethical issues involved.

The reason for this policy is to provide the roles and responsibilities for responding to specific situations involving persons with AIDS or HIV infections in compliance with Texas Administrative Code (Title 25, part 1, chapter 96, Bloodborne Pathogen Control) and Texas Education Code (Sec. 51.919 HIV and AIDS Policy; Information Dissemination) covering areas of administrative policy, residence life, health education, testing, confidentiality, and patient care.

Throughout this appendix, "HIV infection" denotes the total spectrum of the disease, from HIV seropositive but asymptomatic infection to fully developed AIDS.

## General Policies

- a. **Institutional committee.** The University establishes the Bloodborne Pathogens Control Committee (BPCC) authorized to annually review and update the University's written Bloodborne Pathogens Exposure Control Plan. The committee will be minimally comprised of representatives from the Environmental Health & Safety (EHS) department, University Health Services (UHS), the HealthPoint Occupational Health Program and representation from departments that employ workers with reasonable anticipation of exposure to bloodborne pathogens, including HIV.
- b. **Admissions.** The existence of HIV infection will not be considered in admissions decisions unless current scientific information indicates required academic activities may expose others to risk of transmission.
- c. **Employment.** The existence of HIV infection will not be used to determine suitability of applicants for employment by the University. An HIV-infected employee will remain employed as long as he or she is able to perform the essential functions of the job and is able to meet the job performance standards.
- d. **Class attendance.** A student with HIV infection will be allowed to attend all classes without restrictions, as long as the student is physically and mentally able to participate and perform assigned work, and poses no health risk to others.
- e. **Facilities Access.** A person with HIV infection will not be denied access to any University facility on the basis of HIV-positive status.
- f. **Residential housing.** The University residential housing staff will not exclude HIV-positive students from University housing, and will not inform other students that a person with HIV infection lives in University housing.
- g. **Safety precautions.** The University has guidelines for health care workers and students in the health professions concerning the prevention of transmission of bloodborne pathogens, which includes HIV among others. Training requirements are detailed in the University's Bloodborne Pathogens Exposure Control Plan.
- h. **Education, Risk Management and Safety.**
  - i. **Education on HIV prevention provided to students.** The University will routinely offer education to students based on HIV education and prevention programs. These programs will be developed in conjunction with federal and state health agencies and other health authorities and will be tailored to students' cultural, educational, language, and developmental needs. UHS will provide information to students pertaining to HIV infection on a variety of related topics. UHS will also make referrals for anonymous HIV counseling and testing services.
  - ii. **Laboratory courses.** Department managers/heads of departments offering lab courses or operating labs where possible risk of exposure to material that has potential for transmitting HIV must develop written, lab safety protocol using standard precautions for handling such material. This written protocol must be distributed to students and staff members prior to such exposure in accordance with the Bloodborne Pathogens Exposure Control Plan.
  - iii. **Education of students entering health professions.** Each college or school offering medical, dental, nursing, allied health, counseling, and/or social work degree programs must ensure its program curricula contains information about:
    1. methods of transmission and methods of prevention of HIV infection;
    2. federal and state laws, rules, and regulations concerning HIV infection and AIDS; and
    3. the physical, emotional, and psychological stress associated with the care of patients with incurable illnesses.
  - iv. **Education of employees where risk of exposure to HIV may be part of their employment duties.** Departments requiring employees to perform employment duties where risk of exposure to HIV is possible will provide training about HIV transmission specific to their employment duties and methods to minimize or eliminate that risk by following standard precautions. Standard precautions includes an overview of the engineering controls, administrative controls, and personal protective equipment used to minimize or eliminate risk of exposure. The University's Bloodborne Pathogens Exposure Control Plan includes information specific to HIV and standard precautions.
  - i. **Confidentiality of Records.** Except where release is required or authorized by law, information concerning the HIV or AIDS 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. Information concerning HIV or AIDS status held in non-medical records will be limited to that which is necessary to determine reasonable accommodations, if applicable, or to investigate an occupational exposure. Non-medical records containing personal health information (PHI) will follow privacy standards established by federal and state law.
  - j. **HIV testing and bloodborne pathogens post-exposure testing.** In the event of a work-related bloodborne pathogens exposure, the employee must contact the HealthPoint Occupational Health Program as soon as practical for guidance on post-exposure testing services, available at no cost to the employee. Refer to the University's Bloodborne Pathogens Exposure Control Plan for details. Students may obtain HIV testing services from UHS.
  - k. **Unemployment compensation benefits.** When applicable, the University will inform employees that state law provides that an individual will be disqualified for unemployment compensation benefits if the Texas Workforce Commission finds 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.

- I. **Health benefits.** No University student or employee will be subjected to impermissible discrimination under a health benefits plan endorsed by the University on the basis of a positive HIV test result.

Policy Website: Excerpted from the *Handbook of Operating Procedures*, 3-1310