

POSSIBLE EXPOSURE TO VIRAL INFECTIONS

Upon notification by a Regional School Board employee who believes the employee has been involved in a possible exposure-prone incident which may have exposed the employee to the blood or body fluids of a student, the director or his/her designee shall contact the local health director at the Virginia Department of Health who, upon immediate investigation of the incident, shall determine if a potentially harmful exposure has occurred and make recommendations based upon all information available to the local health director regarding how the employee can reduce any risks from such exposure.

The director shall share these recommendations with the Regional School Board employee.

The director and the Regional School Board employee shall not divulge any information provided by the local health director regarding the student involved except as described below. The information provided by the local health director is subject to any applicable confidentiality requirements set forth in Va. Code § 32.1-35.

Whenever any Regional School Board employee is directly exposed to body fluids of any person in a manner which may, according to the current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the School Board employee who was exposed.

If the person whose blood specimen is sought for testing is a minor, consent for obtaining such specimen shall be obtained from the parent, guardian, or person standing in loco parentis of such minor prior to initiating such testing. If the parent or guardian or person standing in loco parentis withholds such consent, or is not reasonably available, the person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person may petition the juvenile and domestic relations district court in the county or city where the minor resides or resided or, in the case of a nonresident, the county or city where the Local School Board has its principal office, for an order requiring the minor to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this policy.

Whenever any person is directly exposed to the body fluids of a Regional School Board employee in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the Regional School Board employee whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The Regional School Board employee shall also be deemed to have consented to the release of such test results to the person.

Except if the person to be tested is a minor, if the person whose blood specimen is sought for testing refuses to provide such specimen, any person identified by this policy who was

potentially exposed to the human immunodeficiency virus or the hepatitis B or C viruses in the manner described by this policy, or the employer of such person, may petition, on a form to be provided by the Office of the Executive Secretary of the Supreme Court of Virginia, the general district court of the county or city in which the person whose specimen is sought resides or resided, or, in the case of a nonresident, the county or city where the Regional School Board has its principal office, for an order requiring the person to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this policy. A copy of the petition, which shall specify the date and location of the hearing, shall be provided to the person whose specimen is sought. At any hearing before the court, the person whose specimen is sought or the person's counsel may appear. The court shall may be advised by the State Health Commissioner or the Commissioner's designee prior to entering any testing order. If the general district court determines that there is probable cause to believe that a person identified by this policy has been exposed in the manner prescribed by this policy, the court shall issue an order requiring the person whose bodily fluids were involved in the exposure to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this policy. If a testing order is issued, both the petitioner and the person from whom the blood specimen is sought shall receive counseling and opportunity for face-to-face disclosure of any test results by a licensed practitioner or trained counselor.

Adopted: October 18, 2018

Amended: October 15, 2020

Legal Ref: Code of Virginia, 1950 as amended, §§ 22.1-271.3, 32.1-45.1.

Cross Refs: Pol 2019 Personnel Training-Viral Infections
Pol 5000.3 Staff Health
Pol 2018 Communicable Diseases
Pol 4073 Blood-Borne Contagious or Infectious Diseases