

Herkimer County Community College Board Policy

TITLE: Blood-Borne Pathogen Diseases Statement (HIV, AIDS, Hepatitis B and C)

POLICY #: SA 88-15

DATE OF BOARD OF TRUSTEES APPROVAL: 4/20/89

RESOLUTION #: 88-15, 13-9

POLICY STATEMENT:

- A. Herkimer County Community College is committed to providing a safe and healthy environment for its students and employees and to protecting the rights of individuals infected with blood-borne pathogens such as HIV, Hepatitis Band C. The College recognizes that current laws and regulations strictly limit the disclosure of confidential HIV-related information without an *Authorization for Release of Health Information/Confidential HIV-Related Information*. See Attached Regulation, *Authorization for Release of Health Information/Confidential HIV-Related Information*.
- B. The College acknowledges that current medical information notes that students/employees who are positive for HIV, Hepatitis B or C or who are diagnosed as having AIDS DO NOT generally pose a health risk to others in an academic setting. It is the policy of the College that no individual be denied access to any program or activity sponsored by the College solely on the basis of HIV-infection status of that individual or anyone with whom that individual is associated.
- C. Therefore, the College supports the following equitable policy to meet the challenges posed by these pathogens and/or diseases.

1. STATEMENT ON EDUCATION

- A. The College supports educational programming which addresses current medical interventions used to limit the consequences of HIV/AIDS infection based upon sound and acceptable standards of practice as subscribed to by the American College Health Association (ACHA) and the Centers of Disease Control (CDC), including ACHA's, "General Statement of Institutional Response to AIDS, December 1989, that the

College's primary response to the HIV/AIDS epidemic must be one of preventive education."

- B. Based on this premise, the College supports the maintenance of on-going HIV/AIDS informational materials related to preventive education for all campus community members. Educational programming for blood-borne pathogens will be overseen by the Dean of Students Office.
- C. It is the College's intent that all preventive programming/education related to blood-borne pathogen diseases (HIV, AIDS, Hepatitis Band C) include current information and health practices for the purposes of:
 - i. Increasing the student/employee's level of awareness regarding the mode of transmission for blood-borne pathogen diseases based on current standards as subscribed to by the ACHA and CDC.
 - ii. Providing information as to the socio-cultural factors that impact the spread of blood-borne pathogen diseases, and the accessibility for treatment (health-care and social service agencies).
 - iii. Providing information as to the New York State confidentiality laws related to HIV/AIDS testing including anonymous/confidential sites and other community support resources.
 - iv. Providing referral information to appropriate health-care and social service agencies as related to the protection of one's legal rights when diagnosed/treated for HIV/AIDS.

In summary, it is the College's belief that education and training programs provide the best way to render both students and employees a safe and healthful environment.

2. STATEMENT ON PROCEDURES

- A. There are several policies in effect at the College to protect the rights of students/employees who are positive for HIV or other blood-borne pathogen diseases.
- B. In addition, an individual's right to confidentiality of his/her medical records may be protected by an amendment to the Family Education Rights and Privacy Act of 1974 and Article 27-F of the New York State Public Health Law.
- C. For further information regarding the above-referenced laws or other laws/policies that pertain to blood-borne pathogens/diseases, or to register a complaint of discrimination, contact the Human Resources Office.

3. CONFIDENTIALITY OF HIV-RELATED INFORMATION

- A. Article 27-F of the Public Health Law strictly regulates the disclosure of HIV -related information, setting requirements that are even more stringent than those protecting general health-related information. As used in this Policy, "HIV-related information" includes all *Authorization for Release of Health Information/Confidential HIV-Related Information* forms held by the College, all medical records received by the College containing HIV-related information, and all notes or memorandum that relate to an individual's HIV status. It includes all such records, whether maintained on paper or digitally.
- B. All HIV-related information held by the College must be kept in a locked file. Access to this information is allowed only to those person(s) named in a proper *Authorization for Release*, only for the time period and reasons identified there or to whom voluntary disclosure is made.
- C. Any individual who makes a voluntary disclosure of their own HIV status, the College officer/employee receiving that information shall advise the individual of this Policy.
- D. No HIV-related information in the possession of the College shall be re-disclosed to any other party except in response to a properly executed *Authorization for Release* or court order.

Cross Reference: Form DOH-2557 (6/89) Authorization for Release of Health Information/Confidential HIV-Related Information

BACKGROUND:

The College must be prepared to provide education on these types of diseases and act according to effective, organized procedures in order to prevent and/or control their presence on campus. The College must ensure the proper storage and use of all information related to the presence of any of these diseases on campus. The above statements address this issue from a comprehensive educational standpoint.

The policy was amended in 2018 to align language with the appropriate position title.

Additional reference material on file with Dean of Students.

Revised: 9/25/13, 3/21/2018

