



# Nevada Department of Corrections

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## Press Release

For Immediate Release

July 20, 2016

### NDOC RESPONDS TO THE US DOJ REGARDING HIV FINDINGS

The Nevada Department of Corrections (NDOC) has responded to the United States Department of Justice (US DOJ) letter dated June 20, 2016 wherein their review found the NDOC had “violated Title II of the ADA by discriminating against inmates with disabilities” with a focus on HIV positive inmates. The NDOC has and is continuing to review and revise policies, procedures and practices regarding inmates diagnosed with HIV to reach compliance with the US DOJ’s remedial recommendations.

Shortly after the US DOJ letter was received, Director James Dzurenda sent out an order to staff which took effect immediately, prohibiting any medical information regarding an inmate’s HIV status from being disclosed to unauthorized personnel. The Director also stated that the agency will not support either the denial of a prison work assignment or the housing of an inmate based solely on the reasoning that they have HIV.

Director Dzurenda looked at the Nevada Revised Statute 209.385 which in its current form requires that the results of inmate HIV testing is to be disclosed to “[an] employee of the department whose normal duties involve the employee with the offender or require the employee to come into contact with the blood or bodily fluids of the offender,” and has requested to submit a Bill Draft Request seeking to revise this statute to fit with the US DOJ remedial recommendations.

Another measure of compliance, Administrative Regulation 610.02 is being revised to limit disclosure of information regarding an inmate’s HIV status to only those who need to know for the protection of employees should they come in contact with blood or bodily fluids of an inmate. Only, limited medical personnel will have access to the identities of HIV positive inmates and will keep this information in a secured area. The identity of an HIV positive inmate will only then be provided to an employee exposed to that inmate’s blood in conjunction with NRS 209.385.

Prison housing classification forms are being revised to eliminate the medical code typically associated with HIV status. All incoming inmates will be classified and housed without taking into consideration their HIV status.

Similarly, all computer screens containing medical coding information are being revised to eliminate the medical code typically associated with HIV status. All current inmate files will be changed in the

same manner eliminating any reference to the HIV status coding. Each of these measures will result in the elimination of the housing restriction.

To inform the current inmates with HIV of the changes to policy, housing options will be discussed with each inmate wherein the inmate can opt to request a housing change. Because housing assignments are dependent on a number of factors such as classification level, availability of beds, safety concerns, etc. the department cannot promise a move for every HIV positive inmate request, however, accommodations will be provided if possible.

In an effort to decrease any negative expectations or fears on the part of non-HIV positive inmates given the new policies above, a pamphlet is being designed covering facts about HIV and the changes in policy at the NDOC. It will be given to all new inmates with the orientation booklet and will be posted in housing units so all current inmates know and understand the disease, how it's transmitted and how to avoid contracting it, as well as the changes to policy to comport with US DOJ recommendations. Similar memos have also been generated and disseminated to every caseworker and administrator of the Department explaining the changes in policy, procedure and the impact to employees.

Finally, inmates requiring reasonable accommodation will be provided the same opportunities to obtain work assignments as those not requiring reasonable accommodation. This includes those who are HIV positive. If the inmate applicant meets all the requirements for the assignment, they will be considered like any other inmate, regardless of their HIV status.

The Department of Corrections is committed to a safe and humane environment for each employee and inmate and will continue to review and revise other measures suggested in the US DOJ letter consistent with our mission and vision statements and state law.