NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION

SUMMARY OF CHANGES
AR 610 – HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)
Effective May 25, 2023

Description	Page Number
610.02.5 – Updated verbiage to clarify if/how an offender's HIV status impacts discipline.	3
610.02.7 & .8 – Added to indicate offenders will not be housed differently based on HIV status	3 & 4
Other minor changes have been made in verbiage and formatting for improved clarity and consistency.	

James E. Dzurenda, Director

5/25/23
Date

This summary of changes is for training record purposes only. You must also consult the Administrative Regulation and/or Manual for proper instructions.

I, _____, acknowledge receipt of this Summary of Changes and understand it is my responsibility to implement into the course of my duties.

_____
Signature

_____
Date

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION

HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) REGULATION – 610

Supersedes: AR 610 (05/19/2015); AR 610 (10/12/16, Temporary); AR 610 (06/07/17, Temporary); AR 610 (05/15/18)

Effective Date: May 25, 2023

AUTHORITY: NRS 209.131; NRS 209.511; NRS 441A.220

RESPONSIBILITY

The Director of the Nevada Department of Corrections (NDOC and Department) and Medical Director are responsible for the implementation of this Administrative Regulation (AR).

The Medical Director, along with his or her designee(s) will ensure this regulation is reviewed and updated at least annually.

All Medical Division staff and all Medical Officers are responsible for compliance with this regulation.

The Wardens will ensure that their appropriate assigned subordinate supervisors have read and understand this regulation.

The Associate Wardens will ensure that their appropriate assigned subordinate supervisors have read and understand this regulation.

Supervisors will ensure that their appropriate subordinate staff members have read and understand this regulation.

Designated staff members will know, comply with, and enforce this regulation.

If, and where applicable, offenders will know and comply with this regulation.

PURPOSE

To ensure that offenders, while incarcerated in the Nevada Department of Corrections, will be afforded the opportunity to receive screening, counseling, and treatment services. This regulation works to provide guidance on reporting, protection of protected health information, and responsibilities related to offenders with HIV or AIDS.

610.01 HIV STATUS AND AIDS INFORMATION

1. The Department shall deliver treatment, programs, and services to offenders with Human Immunodeficiency Virus (HIV).

2. Mandatory screening for HIV shall be conducted during the intake process on all offenders housed in the Department and after a bloodborne pathogen exposure incident involving the offender(s).

3. All offenders who test positive for HIV in the initial screening test shall be retested, as the Medical Director determines appropriate, for confirmation.

    A. Positive results from the confirmatory test for HIV do not necessarily indicate that the offender has Acquired Immunodeficiency Syndrome (AIDS), but that the offender is presumed to be infected with HIV.

4. All offenders shall be given AIDS information handouts coupled with an educational and pre-test counseling component explicitly emphasizing modes of transmission and specific risk reduction behaviors during the intake orientation process.

    A. Offenders that test positive for HIV shall be offered voluntary counseling during incarceration and prior to release from prison and shall be provided with appropriate medical care from an HIV specialist.

610.02 REQUIREMENTS FOR OFFENDERS WHO TEST HIV POSITIVE

1. The name of the offender(s) who test positive for HIV antibodies in the supplemental test may be disclosed to the following parties via a confidential list prepared and distributed by Medical Administration.

    A. Director.

    B. Medical Director and those responsible for the medical treatment of the offender or that require the employee to come into contact with the blood or bodily fluids of the offender.

2. Outdated lists should be shredded or deleted.

3. If an employee of the Department comes into contact with the blood or bodily fluids of an offender, the Warden/Facility Manager/Shift Supervisor shall contact medical staff to inquire if the subject offender has tested positive for HIV. Department staff must follow all protocols in AR 604, Occupational Exposure to Bloodborne Pathogens, and related Medical Directives, Operational Procedures, and policies.

4. All information of a personal nature about any person that concerns a real or suspected case of a communicable disease is confidential medical information.

    A. Disclosure of the names of persons infected with HIV virus is prohibited except as provided for in Nevada Revised Statute 441A.220.

    B. No Department employee who has knowledge of an infected offender based on his legal right to know may disclose this information to anyone except as described in paragraphs section 1 and 3 above.

    C. Unauthorized disclosure of confidential information will result in disciplinary action, in accordance with Nevada Department of Corrections Prohibitions and Penalties and AR 707, Offender Disciplinary Process.

5. In cases of offender disciplinary action involving an offender with HIV, the Disciplinary Hearing Officer (DHO) must impose a Disciplinary Segregation (DS) sanction appropriate for that Offense In Custody (OIC) and in line with the approved Chart of Disciplinary Sanctions.

    A. Subsequent to being assigned to conduct a Disciplinary Hearing (DH) but prior to the actual Disciplinary Hearing, the DHO will review the OIC report and contact designated medical staff to inquire whether the alleged offender's behavior increased the risk of transmitting HIV.

    B. If found guilty, or if the offender pleads guilty, at the DH to any OIC which is for behavior that increases the risk of transmitting the virus, the DHO may impose a Disciplinary Segregation (DS) sanction appropriate for that OIC, and in line with the approved Chart of Disciplinary Sanctions.

    C. Upon completion of the imposed DS, such offenders would be eligible for reclassification as deemed appropriate, including returning to their prior custody level, provided they are no longer engaging in the same or other behavior that increases the risk of transmitting the virus.

6. Staff shall use Standard (Universal) Precautions (hand hygiene, use of PPE).

7. The Department shall continue to ensure that offenders with HIV will not be housed alone unless they are maximum-custody offenders or subject to disciplinary, protective, or administrative segregation for reasons unrelated to their HIV status or housed in a cell with another offender with HIV who has the same HIV status.

8. Any offender with HIV may be classified to assignments in all areas, so long as they meet the classification criteria normally associated with those assignments and are subject to the same health and safety requirements applicable to any offender assigned to those areas. Staff may not discriminate against offenders with HIV in such assignments because of their HIV.

610.03 DEPARTMENT RESPONSIBILITY TO OFFENDERS

1. All offenders shall be provided with an educational program during the orientation process and annually thereafter to provide information about HIV infection, means of virus transmission, and measures to prevent transmission.

    A. Offenders with HIV shall receive adequate mental health and medical care, including the availability of standard diagnostic tests and medications proven to be effective.

    B. Offenders may be entered into approved medication trials after signing informed consent and with the approval of the Medical Director/designee.

610.04 EXIT TESTING AND DISSEMINATION OF INFORMATION TO STATE HEALTH DIVISION

1. Correctional Case Records Manager/designee shall provide the Medical Division a printout that lists offender discharges.

2. All offenders paroling or discharging shall be tested for HIV prior to release from custody.

    A. The Medical Division will contact each offender on the list to have the required exit labs drawn.

3. The Medical Division staff at each institution shall ensure that counseling is conducted by a practitioner for all offenders who have confirmed positive results. Appropriate reports will be sent to the State Health Division by the Disease Control Specialist III.

    A. If the offender is released before receiving confirmed test results, the Disease Control Specialist III shall notify the offender (if forwarding address is known) and the State Health Division in writing of confirmed positive tests and to advise that post-test counseling and contact tracing are required.

APPLICABILITY

1. This regulation requires a Medical Directive for HIV treatment, management, and precautions for NDOC institutions and facilities.

2. This regulation requires an audit.

REFERENCES

ACA Standards 5th Edition 5-ACI-6A-16 National Commission on Correctional Health Care Standards J/P-B-01 NCCHC, 2018

Joseph Benson, Acting Medical Director — Date: 05-25-2023

James E. Dzurenda Director — Date: 5/25/23