

**PROBATION DEPARTMENT  
JUVENILE HALL MANUAL**

<b>Chapter No.</b> 4134	<b>Page 1</b>
<b>Issue Date: 08/26/13</b> <b>Revised: 05/15/19</b>	

**Notes and  
References**

**Communicable Disease Notification**

I. Introduction

- A. When a person in custody has a communicable disease, Health and Safety Code Section 121070(c) directs the facility manager to disclose the person's condition to employees, medical personnel, contract personnel, and volunteers who may have contact with the infected person, so that those persons can take appropriate action to provide for the care of the infected person in custody, the safety of other persons in the facility, and their own safety. This policy addresses the notification to custodial officers and others in specific cases when the risk of exposure to a communicable disease is known and the release of protected health information concerning a detained youth will be made.
- B. This policy is derived from the requirements of applicable Federal and State law concerning the protection and dissemination of protected health information (PHI). It addresses the permitted release of that information as described and is not intended to replace any other Department or County policy regarding exposure to or the reporting of exposure to communicable diseases.
- C. For purposes of this policy, communicable diseases include, but are not limited to, the following:
  - 1. Acquired immunodeficiency syndrome (AIDS).
  - 2. Human immunodeficiency virus (HIV).
  - 3. Hepatitis B and C.
  - 4. Meningitis.
  - 5. Tuberculosis.

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**Communicable Disease Notification (continued)**

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6. Pertussis.
  7. Other diseases identified as communicable by the Centers for Disease Control or other public health agency.
  8. Any other disease or condition identified by the facility medical director as communicable within the meaning of this policy.
- D. Probation Department staff is required to attend the Universal Precautions and Communicable Diseases training. Universal precautions as described in that training class are to be a standard practice in detention facilities and staff persons are to assume the presence of communicable diseases when interacting with detained youth or handling their belongings, clothing, or bedding.
- E. The Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) generally prohibits the disclosure or dissemination of protected health information without a person's authorization except in specific circumstances. The HIPAA Privacy Rule, Permitted Uses and Disclosures, Public Interest and Benefit Activities, lists 12 purposes for which disclosure is permitted. Two of these purposes are especially relevant to this policy. They are:
1. Required by Law: disclosure is permitted without a person's authorization as required by law. This includes statute, regulation, or court order.
  2. Essential Government Functions: disclosure is permitted without a person's authorization for certain essential government functions. These include protecting the health and safety of inmates or employees in a correctional institution.
- F. Health and Safety Code (HS) Section 121070 describes the circumstances under which disclosure is permitted and the responsibilities of various personnel once disclosure is made. The law's essential components are:

Admin Manual  
Section 1103a

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1. Medical staff persons who work in a detention facility who become aware that a detained youth is infected with or has been exposed to a communicable disease shall advise the facility's officer in charge.
  2. Information that is to be disclosed includes laboratory tests that indicates exposure, a statement by the detained youth to a medical staff person indicating exposure or infection, and the results of a medical examination or test indicating exposure or infection.
  3. The officer in charge of the detention facility shall notify employees and other persons who have or may have direct contact with the detained youth or their bodily fluids about the person's infection or exposure.
  4. The law's intent is to allow notification so that employees and other persons can provide care for the detained youth and insure the safety of other detained youth, as well as provide for their own safety.
  5. Confidentiality of personal identifying information disclosed is to be maintained by all persons to whom it was disclosed except as authorized.
  6. Persons who violate the confidentiality requirement may be guilty of a misdemeanor.
- G. This policy describes the circumstances under which notification of an infection by or exposure to a communicable disease is permitted and how that notification is to be carried out by detention facility staff persons.

**II. Notification Process and Protocol**

- A. When a medical professional employed by the detention facility is made aware that a youth currently detained in a detention facility has been exposed to or infected by a communicable disease, that person shall notify the Director of the detention facility. Typically, the facility Physician will disclose the information, but it may come from any person who provides medical services to detained

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- youth. Disclosure can be made to the Deputy Chief Probation Officer (DCPO) for the Institutions Division in the Director's absence.
- B. The detention facility Director, in consultation with the DCPO for the Institutions Division, will, circumstances permitting, confer with the Medical Director and/or Facility Physician to determine that the communicable disease in question falls within the intended meaning of Section 121070 HS, and scope of notification.
  - C. In cases where a youth is transferred between detention facilities, medical personnel will make a separate notification to the facility director of the receiving facility at the time of the transfer pursuant to this policy.
  - D. The Medical Director will provide general information about the communicable disease and how to protect against it. This information will include symptoms of it, methods of transmission, proper care of the detained youth, proper methods for interacting with the detained youth and handling their belongings, clothing, and bedding, and safety precautions to be employed.
  - E. The facility Director will initiate the notification process after determining its scope. Generally, information will be disclosed to the minimal number of persons necessary to provide for the care of the detained youth and the safety of persons in the facility.
  - F. The facility Director may delegate aspects of the notification to Supervising Probation Officer or Senior Deputy Probation Officer.
  - G. When making notifications, the facility Director or designated representative will utilize the *Notification Regarding Youth with Communicable Diseases* form (Pro-77). The noticed person's name, position, signature, and date, and the name of the person providing the notice will be included on the form. Each completed form will be maintained for one year by the facility Director or designated representative.
  - H. The Pro-77 form will also contain the admonition against unauthorized disclosure pursuant to Section 121070(d) and (e) HS, for the employee to review at the

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time of notification. A separate form containing the text can be provided upon request.

I. Employees and other persons to whom a notification is made are prohibited from disclosing that information further except as described here:

1. As part of further discussion with the Medical Director or other medical personnel.
2. With the facility Director or Administrative Staff persons.
3. As part of further discussion with other employees working with the staff persons to coordinate care and programming for the detained youth.
4. Pursuant to Section 121070(d) HS.

J. Information provided pursuant to Section C of this policy will also be provided to impacted staff persons.

III. Orientation and Training

A. During the initial orientation at the beginning of a staff person's employment, the staff person will read and sign the *Confidentiality Advisement - Notification Regarding Youth with Communicable Diseases* form (Pro-78). This form will be maintained in the employee's administrative personnel file.

B. This policy and any applicable law will be reviewed on an annual basis at regularly scheduled staff meetings.

C. In the case of a volunteer, contract person, or other person who provides services at the detention facility on a limited basis, advisement of this policy will take place at the onset of services. Forms will be maintained by the facility Director or designated representative.

**CONFIDENTIALITY ADVISEMENT**

**NOTIFICATION REGARDING YOUTH WITH COMMUNICABLE DISEASES**

When a person in custody has the AIDS virus, AIDS-related condition, or other communicable disease, Health and Safety Code Section 121070(c) directs the facility manager to disclose the person’s condition to employees, medical personnel, contract personnel, and volunteers who may have contact with the infected person, so that those persons can take appropriate action to provide for the care of the infected person in custody, the safety of other persons in the facility, and their own safety.

Health and Safety Code Section 121070(e) states that any person receiving such information is guilty of a misdemeanor if he/she discloses that information to any other person without legal authorization.

Under the authority of Health and Safety Code Section 121070, you will be informed of the physical condition of any person in custody with the HIV virus, with Acquired Immunodeficiency Syndrome, other AIDS-related condition, or other communicable disease, if it is likely that you will come in contact with that person or the bodily fluids of that person.

- You shall not discriminate against that person in any manner, or treat that person differently from other persons in custody, except as necessary to provide appropriately for the care of the infected person, and to ensure your own safety and the safety of other persons in the facility.
- You shall not disclose to any other person the name of the infected person, the type of communicable disease, or any other confidential information regarding the person’s condition.
- You shall not discuss an infected person’s condition in the presence of persons who are not legally entitled to the confidential information.
- You may be charged with a misdemeanor if you disclose information regarding a person’s communicable disease to any other person, and you may be subject to disciplinary action, up to and including termination, if you are found to be in violation of this policy.

\* \* \* \* \*

I have read the above and understand that I may be notified of the name and physical condition of persons in custody with AIDS, an AIDS-related condition, or other communicable disease so that I can provide appropriately for the care of the infected person, and so that I may take necessary precautions for my own safety and for the safety of others in the facility. I agree to keep the information confidential. I understand that I may be charged with a misdemeanor if I disclose the information to any other person, and I may be subject to disciplinary action if I violate any portion of this policy.

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Title/Agency (i.e. JIO/Probation, Teacher/Co.Ed. etc.)    Name and Title of person providing notification





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**California Health and Safety Code Section 121070**

(a) Any medical personnel employed by, under contract to, or receiving payment from the State of California, any agency thereof, or any county, city, or city and county to provide service at any state prison, the Medical Facility, any DJJ institution, any county jail, city jail, hospital jail ward, juvenile hall, juvenile detention facility, or any other facility where adults are held in custody or minors are detained, or any medical personnel employed, under contract, or receiving payment to provide services to persons in custody or detained at any of the foregoing facilities, who receives information as specified herein that an inmate or minor at the facility has been exposed to or infected by the AIDS virus or has an AIDS-related condition or any communicable disease, shall communicate the information to the officer in charge of the facility where the inmate or minor is in custody or detained.

(b) Information subject to disclosure under subdivision (a) shall include the following: any laboratory test that indicates exposure to or infection by the AIDS virus, AIDS-related condition, or other communicable diseases; any statement by the inmate or minor to medical personnel that he or she has AIDS or an AIDS-related condition, has been exposed to the AIDS virus, or has any communicable disease; the results of any medical examination or test that indicates that the inmate or minor has tested positive for antibodies to the AIDS virus, has been exposed to the AIDS virus, has an AIDS-related condition, or is infected with AIDS or any communicable disease; provided, that information subject to disclosure shall not include information communicated to or obtained by a scientific research study pursuant to prior written approval expressly waiving disclosure under this section by the officer in charge of the facility.

(c) The officer in charge of the facility shall notify all employees, medical personnel, contract personnel, and volunteers providing services at the facility who have or may have direct contact with the inmate or minor in question, or with bodily fluids from the inmate or minor, of the substance of the information received under subdivisions (a) and (b) so that those persons can take appropriate action to provide for the care of the inmate or minor, the safety of other inmates or minors, and their own safety.

(d) The officer in charge and all persons to whom information is disclosed pursuant to this section shall maintain the confidentiality of personal identifying data regarding the information, except for disclosure authorized hereunder or as may be necessary to obtain medical or psychological care or advice.

**(e) Any person who willfully discloses personal identifying data regarding information obtained under this section to any person who is not a peace officer or an employee of a federal, state, or local public health agency, except as authorized hereunder, by court order, with the written consent of the patient or as otherwise authorized by law, is guilty of a misdemeanor.**