

AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 20, SECTION 9-20.10:1, ENTITLED “POSSIBLE EXPOSURE TO VIRAL INFECTIONS; CONFIDENTIALITY OF INFORMATION; IMPLIED CONSENT FOR TESTING; COURT ORDER FOR TESTING IN CERTAIN SITUATIONS” OF THE POLICIES OF THE SUFFOLK CITY SCHOOL BOARD – FIRST READING

BE IT ORDAINED, by the School Board of the City of Suffolk, Virginia that Chapter 9, Article 20, Section 9-20.10:1, entitled “Possible exposure to viral infections; confidentiality of information; implied consent for testing; court order for testing in certain situations” of the Policies of the Suffolk City School Board, be, and the same is hereby amended to read as follows:

Section 9-20.10:1. Possible exposure to viral infections; confidentiality of information; implied consent for testing; court order for testing in certain situations. — A. Upon notification by a School Board employee who believes ~~he~~ 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 superintendent shall contact the local health director, 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 ~~him~~ health director regarding how the employee can reduce any risks from such exposure. The superintendent shall share these recommendations with the School Board ~~school~~ employee.

B. The superintendent and the School Board employee shall not divulge any information provided by the local health director regarding the student involved, except as described herein. The information provided by the local health director shall be subject to confidentiality requirements set forth in the Code of Virginia Section 32.1-35 *et. seq.* (1950), as amended.

C. Whenever any school board employee is directly exposed to body fluids of any person in a manner which may, according to current guidelines of the Center 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 shall be notified prior to initiating such testing. ~~In other than emergency situations, it shall be the responsibility of the school board employee to inform~~

~~the person of this provision prior to the contact that creates a risk of such exposure. Failure to inform, however, will not in any way affect the implied consent set forth in this section. 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 School Board may petition the Suffolk Juvenile and Domestic Relations General District Court 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 School Board employee in a manner that may, according to the then current guidelines of the Centers for Disease Control, transmit human immunodeficiency virus or hepatitis B or C viruses, the 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 School Board employee shall also be deemed to have consented to the release of such test results to the person.

D. Except if the person to be tested is a minor, and 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 hepatitis B or C viruses in the manner prescribed by this policy, Suffolk Public Schools or the employer of any 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 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 ~~section~~ 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 ~~his~~ the person's counsel may appear. The court shall be advised by the State Health Commissioner or ~~his~~ 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 blood specimen is sought shall receive counseling and opportunity face-to-face disclosure of any test results by a licensed practitioner or trained counselor. (Adopted December 11, 2003; Ordinance Number 03/04-8; Effective: July 1, 2004; Revised September 8, 2011; Ordinance Number 11/12-10; Effective Date: September 9, 2011; Revised June 9, 2016; Ordinance Number 15/16-107; Effective Date: July 1, 2016)

Legal Authority – Virginia Code §§ 22.1-271.3 & 32.1-45.1 (1950), as amended.

BE IT FURTHER ORDAINED that all phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the School Board's Policy Manual not amended or repealed shall remain in full force and effect.

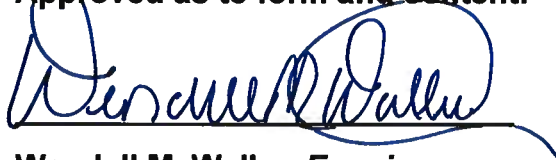
FIRST READING: _____

SECOND READING: _____

EFFECTIVE DATE: _____

TESTE: _____
CLERK

Approved as to form and content:

A handwritten signature in blue ink, appearing to read "Wendell M. Waller", written over a horizontal line.

Wendell M. Waller, Esquire
School Board Attorney