I Work In Health Care. Are There Any Special Concerns For Me? • Yes. The risk of getting HIV from a patient is much greater than the risk that you will spread HIV to patients in your care. To protect themselves and patients, all health care workers must use “universal” precautions with all patients, to prevent the spread of blood borne pathogens, such as HIV or hepatitis B. The Centers for Disease Control and Prevention recommends the use of examination, procedure or surgical gloves as a barrier to such diseases, as well as other sterilizing procedures. Health care workers should know their HIV status as well as the status of their patients. But you must keep your patients’ HIV status confidential.

Health care workers who know that they are HIV infected and who perform certain invasive procedures must take steps to avoid transmission to patients. If you do these kinds of procedures, you must notify in writing, the Chief, Communicable Disease Branch, 1902 Mail Service Center, Raleigh, NC 27699-1902. If it is determined that there is a significant risk of transmission to patients, the state health director will appoint an expert panel to evaluate your practice and patient environment. If the expert panel recommends restrictions as necessary to prevent transmission, the state health director may restrict your practice.

HIV AND CHILDREN

I Have A Child With HIV. Do I Have To Tell The School Or Day Care Provider? • No. You do not have to tell your child’s school or day care provider about your child’s HIV infection. However, if your child has special medical needs, you may choose to disclose in order to make sure those needs are met. Your child cannot be discriminated against in school or day care because of HIV.

If your child’s doctor believes your child may pose a significant risk of transmission in a school or day care because of open, oozing wounds or because of behaviors such as biting, the doctor must notify the local health director. You will participate in a process with school officials and a medical expert to determine whether intervention is needed. If necessary, adjustments can be made to your child’s school program or environment, or your child can be placed in another educational setting. However, any adjustments to your child’s program must be based on scientifically sound evaluation of the risk of transmission of HIV, not on fear or ignorance. And all information shared during the assessment must be kept confidential. Only school staff with a need to know may be told of your child’s infection.

I have minor children. How can I make sure they will be taken care of if something happens to me? You can plan ahead to make sure your children will be taken care of if you become too sick to care for them yourself. If the child’s other biological parent is available and involved, this is an easy option. Otherwise, you should consider having a “standby guardian” appointed, making custody arrangements, and establishing a trust for the children in the event of death.

PLANNING

What Estate Planning And Other Arrangements Should I Make? • It is important for all adults to prepare documents that will allow their loved ones to handle their affairs if they become unable to do so themselves. A Durable Power of Attorney will allow a trusted friend or family member to take care of finances and business if you are too sick to do so yourself. A Health Care Power of Attorney will ensure that someone who understands your health care goals and preferences will make medical decisions if you are unable to. A Living Will is a document you can use to make your wishes about end-of-life care. A standard Will may be important if you own your home or other real estate or if you are not legally married to your partner. See the This is the Law pamphlets “Protecting Your Assets: Will, Trust, and Powers of Attorney” and “Living Wills and Health Care Powers of Attorney” for more information.

GETTING HELP

Because I Have HIV, Can I Get Disability Benefits And Medicaid? • Being HIV positive does not automatically qualify you for Social Security Disability, SSI or Medicaid. To qualify for these programs, you must be too sick to work on a regular basis. If you are too sick to work, you can apply for disability at the Social Security Administration. You can also apply for Medicaid at your county Department of Social Services. If you are turned down, and still think you’re disabled, be sure to appeal. You are allowed to have a lawyer help with your appeal.

Who Can Help Me Coordinate Benefits And Core? AIDS services agencies in your local community can help you get the care and assistance you need. To connect with a local agency, call the AIDS Care Unit of the Division of Public Health at 919.733.7301.

I Need Help With A Legal Problem Related To HIV. Where Can I Get Help? • People with HIV who can’t afford an attorney can contact the Duke Legal Assistance Project at 919.613.7169 or toll free at 888.600.7274. This program handles cases that have some connection with HIV status. Legal Aid of North Carolina can also assist low income people with civil legal problems including public benefits, landlord-tenant, consumer, some family law cases, and other matters. Call 888.219.5262.
test at the time of labor and delivery, she will be tested at her prenatal visit and in her third trimester. At these times, she will be tested for HIV. Testing Of Pregnant Women And Newborns

- The law requires you to take certain precautions to stop the spread of HIV. The required "control measures" are:
  - You must not have intercourse without a condom;
  - You must not share needles or other drug-related equipment;
  - You must not donate or sell blood products, semen, organs, or tissues without written permission;
  - You must tell all sexual intercourse partners that you have HIV;
  - If you become infected, you must tell any sexual or needle partners since that time about your infection. Otherwise, you must notify partners from the previous year.

Informed Consent

- You may be tested at your request. Consent is not required.
- You may be tested with consent by a spouse or other family member, but only if there is a legal duty to report.
- You may be tested without consent if:
  - You are married, your spouse must be notified of your positive test. If you consent, your doctor can do this.
  - Your doctor has reason to believe you are not following medical advice.

Responsible Caregiver

- The HIPAA law (Health Insurance Portability and Accountability Act) insures health information is confidential. But you need to protect your own privacy, especially in places like the emergency room. A doctor or other medical staff may assume, incorrectly, that if you bring friends or family with you to the exam room, the provider can talk about your HIV in front of them. Try to find a private room or tell the provider whether it’s ok to discuss your HIV. Or think twice before bringing friends or family who don’t know about your HIV.

- If a health care provider or insurer does not properly protect your private health information, you can make a complaint to the Office of Civil Rights of the U.S. Department of Health and Human Services. Public accommodation facilities include hotels, restaurants, medical or dental offices, mental health agencies, substance abuse treatment centers, public transportation systems, colleges, schools, day care centers, swimming pools, and exercise or recreational facilities, among others. The federal Fair Housing Act prohibits discrimination against people with disabilities in housing.

- The Americans with Disabilities Act (ADA) protects individuals with disabilities in employment, housing, public services and accommodations. Discrimination includes hotels, restaurants, medical or dental offices, mental health agencies, substance abuse treatment centers, public transportation, and exercise or recreational facilities, among others. The federal Fair Housing Act prohibits discrimination against people with disabilities in housing.

- The ADA prohibits discrimination against people with disabilities in public service and public accommodations. Public accommodations include hotels, restaurants, medical or dental offices, mental health agencies, substance abuse treatment centers, public transportation systems, colleges, schools, day care centers, swimming pools, and exercise or recreational facilities, among others. The federal Fair Housing Act prohibits discrimination against people with disabilities in housing.

Testing Of Pregnant Women And Newborns

- Every pregnant woman must be offered HIV testing at her first prenatal exam and in her third trimester. At these times, pregnant women will be tested for HIV unless they refuse. However, if a pregnant woman is infected with HIV, the health care provider who tests her will make an appointment for her to return for a HIV test at the time of labor and delivery, she will be tested with or without consent unless the doctor determines that the test would endanger the woman. If an infant is delivered to a woman with no record of the result of an HIV test, the infant shall be tested for HIV, with or without parent consent.

Responsibilities Of People With HIV

- You may be tested as a person with HIV. The law requires you to take certain precautions to stop the spread of HIV. The required "control measures" are:
  - You must not have intercourse without a condom;
  - You must not share needles or other drug-related equipment;
  - You must not donate or sell blood products, semen, organs, or tissues without written permission;
  - You must tell all sexual intercourse partners that you have HIV;
  - If you become infected, you must tell any sexual or needle partners since that time about your infection. Otherwise, you must notify partners from the previous year.

If you violate any of these control measures you can be placed under an "isolation order" which sets up an individual plan to reduce the risk of transmission. You can also be criminally prosecuted, with jail time of up to two years.