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, the state health director may restrict your practice. 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 an alternative 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 HIV status confidential.

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 “standing” guardianship 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 Will is a document you can use to make your wishes clear to your family and friends. If you have not placed a legal guardian for your child, the state health director will appoint a partner. See the The is the Law pamphlets “Protecting Your Assets: Wills, Trusts 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. The doctor must note the diagnosis of HIV. 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 Care? 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 at 919.733.7301 or the HIV/STD Prevention and Care Branch 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 Health Justice 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 866.219.5262.

WHO CAN HELP ME?
You can call the Health Justice Project, AIDS Council of North Carolina, or Legal Aid of North Carolina. You can find a lawyer by going online or calling the North Carolina Lawyer Referral Service, 1-800-662-7660. You can also access additional help by going online or calling the African-American Resource Center, (919) 683-8980. You can also contact the local Legal Aid Society or the AIDS Legal Project.

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HIV TESTING
Can I Get An Anonymous HIV Test? • No. North Carolina does not allow anonymous HIV testing. All testing is confidential, but your name must be reported to the local health director. All positive HIV test results must be reported to the state.

Does My Doctor Have To Report My HIV Infection? Yes. If a doctor or medical facility has a positive test result or has reason to suspect that a patient is infected with HIV, the patient’s name and address must be reported to the local health director. After any positive HIV test result, a trained specialist from the Health Department may contact you to provide counseling.

What Happens When I Have A Positive Test Result? First, your doctor is required to tell you about your infection. All control measures necessary to reduce the risk of transmission, the doctor must notify the local health director. If you are married, your spouse must be notified of your positive HIV test. If you consent, your doctor can do this. Otherwise, if your doctor knows who your spouse is, he or she must report your spouse’s name to the state. Your spouse will then be contacted and counseled by a trained specialist.

May I Be Tested For HIV Without My Consent? • As a general rule under North Carolina law you must give informed consent before you can be tested for HIV. Testing can be offered as part of routine lab tests using a general consent, as long as you are notified that you are being tested for HIV and given the opportunity to refuse. North Carolina is no longer required to have a specific consent law. There are a few situations where you can be tested without your consent: (1) Donated blood or semen is required to be tested; (2) Testing can be performed for the purpose of seroepidemiological purposes as long as your identifying information is removed; (3) The Commission for Health Services can require testing without your consent if there is no record of an HIV test for the mother; (4) A pregnant woman in labor may be tested without your consent if there is no record of an HIV test. (5) Newborn babies may be tested without your consent if there is no record of an HIV test for the mother; (6) A pregnant woman in labor may be tested without your consent if there is no record of an HIV test for the mother; (7) A pregnant woman in labor may be tested without your consent if there is no record of an HIV test for the mother; (8) if you are unable to provide consent, and there is no one who can provide it on your behalf, a doctor may order an HIV test if it is necessary to diagnose or care for your appropriateness.

Testing Of Pregnant Women And Newborns • Even an pregnant woman must be offered HIV testing at her first prenatal visit and in her third trimester. At these times, pregnant women will be tested for HIV unless they refuse. However, testing will be offered to two years. If you violate any of these control measures you can be placed under an "order of protection" 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.

INFORMATION ABOUT MY HIV STATUS Is HIV Status Confidential? Yes. North Carolina law says information and records about HIV infection is confidential. It is a misdemeanor to disclose this protected information, but the law has never been enforced. Generally, no. An employer covered by the ADA can’t ask about HIV or other medical matters after you have been given a conditional job offer, if you have a job offer, you cannot be refused the job because of your HIV unless the decision is job related and necessary. Generally, yes. An employer covered by the ADA can’t ask about HIV or other medical matters after you have been given a conditional job offer, if you have a job offer, you cannot be refused the job because of your HIV unless the decision is job related and necessary.

Can I Be Refused A Job Because Of My HIV Status? Generally, no. An employer covered by the ADA can’t even ask about your health status or have you take a medical exam under any circumstances given a conditional job offer. If you can, tell any sex or needle partners since that time about your infection. Otherwise, you must notify your spouse from the previous year.

What Are My Rights To Public Services And Accommodations? • The ADA prohibits discrimination against people with disabilities in public services and accommodations. Examples of covered accommodations include hotels, restaurants, medical or dental offices, mental health agencies, substance abuse treatment facilities, lodging, transportation, public accommodations, and places of public accommodation. The ADA extends protections to places and services that receive federal funding or awards, regardless of whether they receive federal funding. To enforce these requirements, the U.S. Department of Health and Human Services. The health care provider can be fined for violations of HIPAA.

Should I Tell People I Have HIV? • In spite of these privacy protections, if your confidentiality is breached, legal remedies are very limited. So it is best to be very careful about disclosing your HIV status. Your health care providers need to know about your HIV so they can properly care for you, and they are legally bound to keep the information confidential. However, you may be required to disclose your status to sexual or needle partners. Other than that, only in very limited circumstances are you required to disclose your HIV status to your employer, school, day care provider, or anyone else.

Can Anyone Ask Me About My HIV Status? Insurance: You can legally be asked about your HIV if you apply for health insurance. If you refuse to answer or answer untruthfully, you can be denied coverage. Health insurers can no longer ask about your HIV.

On the job: An employer can only ask about HIV or other medical matters after you have been given a conditional job offer, if you have a job offer, you cannot be refused the job because of your HIV unless the decision is job related and necessary.

The Americans with Disabilities Act (ADA) requires employers to keep confidential any health information obtained through pre-employment medical examinations or insurance questions.

The one time you might need to tell your employer about your HIV is if you are asking for a "reasonable accommodation" under the ADA. For example, you may need to come up in the food service and health care fields, but in all but the most rare circumstances, there is little or no risk that your HIV status will even come up in the workplace. So, there is usually no excuse for refusing to serve your HIV.

INSURANCE Can I Be Discriminated Against Based On HIV? Federal law prohibits discrimination against people with disabilities in employment, housing, public services, and accommodations. HIV infection qualifies as a disability, but not with pregnancy. Disability is defined as a physical or mental impairment that substantially limits a person in one or more major life activities.

Can I Be Refused For Taking Too Many Sick Days Or Coming To Work Late? Generally, yes. Attendance is considered an essential function of any job. You have to be able to work all the time, if you don’t work all the time, you may not be able to do your job effectively. So, you have to have to take a reasonable amount of time off for your illness, which is considered a disability. If you can’t do your job, you can’t work. If you can’t work, you cannot be fired, disciplined, or laid off because you are taking time off for your illness.

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