POLICY: HIV INTERVENTION SERVICES

I. PURPOSE:

The purpose of this policy is to ensure that clients served directly or by the agencies contracted by County Mental Health and Substance Use Services provide HIV/AIDS education and testing services to clients, and that contractors shall not discriminate against any individual because of HIV status.

II. REFERENCES:

45 CFR 96.128
Professional Services Contract, Exhibit I, Section 6
ADP Bulletin 13-03: Substance Abuse Prevention and Treatment Block Grant HIV Early Intervention Services
County of Marin Personnel Management Regulations

III. POLICY:

It is the policy of County Mental Health and Substance Use Services (MHSUS) to ensure SAPT HIV set-aside funding is to be spent to prevent HIV by targeting at-risk individuals with counseling and testing, linking individuals to appropriate care or treatment, retaining individuals in treatment and funding care when appropriate, as outlined in ADP Bulletin 13-03.

Substance use treatment contractors shall also provide HIV/AIDS education and testing or referral to testing services to their clients, including but not limited to:

1. HIV testing and education;
2. The risk of needle sharing and transmission of HIV to sexual partners and infants; and
3. Steps that can be taken to ensure that HIV transmission does not occur and referrals for HIV treatment.

For pregnant women, these services also include counseling on the effects of alcohol and drug use on the fetus as well as referrals for prenatal care.
The County and contractors shall not discriminate against any individual because of HIV status, as outlined in the County Personnel Management Regulations and Professional Services Contract.

IV. **AUTHORITY/RESPONSIBILITY:**

Contract Managers  
Alcohol and Drug Administrator  
MHSUS Director

V. **PROCEDURE:**

The County ensures that County-operated and contracted programs receiving funding under the NNA/DMC State-County Contract comply with requirements of funding sources and applicable laws and regulations through the below methods.

MHSUS allocates SAPT HIV Set-Aside funds to a contracted provider(s) for HIV testing and education with the provision of providing clients with linkages to care as appropriate. As a requirement the contractor(s) provides ongoing outreach to social service, public health and primary health agencies to raise awareness and facilitate linkages. Contractors receiving SAPT HIV Set-Aside funding track and report to MHSUS staff at mid-year and year-end data regarding services that are paid by such funding, such as the number of tests administered, test results and other required measures.

County-operated and contracted treatment providers shall develop and implement policies and procedures that ensure:

1. Nondiscrimination in the provision of services based on a diagnosis of Acquired Immune Deficiency Syndrome (AIDS) or AIDS-related Complex (ARC), or upon testing positive for Human Immunodeficiency Virus (HIV);
2. The prohibition of the use of HIV antibody testing as a screening criterion for program participation;
3. Training of all staff and all participants in AIDS-related problems, issues, and special recovery needs;
4. Provision of information to all participants regarding high-risk behaviors, safer sex practices, and perinatal transmission of HIV infection; and
5. Development of procedures for addressing the special needs and problems of those individuals who test positive for antibodies to HIV.
6. No individual shall be required to disclose his or her HIV status.
Contractor compliance with this policy shall be achieved through:

1. Distribution of the Contractor Manual annually at contract renewal, which includes links to the Professional Services Contract, Exhibit I, and additional HIV Set-Aside requirements as identified in the contractor self-audit.
2. Approval of contract as to form and legal affect by county counsel.
3. Signature of Contractor on contract agreeing to all conditions set forth in the contract.
4. Approval and execution of contract by the County Board of Supervisors or County’s Administrative Officer.
5. For contractors who receive HIV Set-Aside funds, review of monthly invoices and Marin WITS data to ensure proper utilization of funding.
6. Annual completion of Section 3 of the Self Audit (HIV/AIDS related Nondiscrimination and HIV Set-Aside data) by funded Contractors, and subsequent review by MHSUS Contract Manager, including Contractor’s signed attestation of adherence to all laws and regulations. MHSUS staff will review data reported by contractor regarding testing and education provided by contractors.
7. At annual Site Visit, Contract Manager shall review contractor policy and procedures regarding HIV/AIDS education and testing services.

County-operated program compliance with this policy shall be achieved through:

1. Approval of State-County NNA/DMC Contract by Board of Supervisors or authorized designee agreeing to all conditions set forth in the contract.
2. Attestation to compliance with HIV Intervention requirements at the annual DHCS Monitoring review.
3. Annual completion of Section 3 of the Self Audit (HIV/AIDS related Nondiscrimination and HIV Set-Aside data) including County Alcohol & Drug Administrator’s signed attestation of adherence to all laws and regulations.
4. At annual Site Visit, MHSUS Quality Management shall review policy regarding HIV Intervention, including reviewing a sample of client files to review documentation related to education on HIV, AIDS and high-risk practices.
5. County Alcohol and Drug Administrator will review and approve all updates to the program protocol to ensure nondiscrimination in admission and service practices.