

APPENDIX H  
HIV/AIDS/COMMUNICABLE/INFECTIOUS DISEASE POLICY  
DIOCESE OF OWENSBORO

The following is a policy for all diocesan personnel, school employees, parish staff and students with infectious/communicable disease under the jurisdiction of the Diocese of Owensboro.

**CHRISTIAN VALUE**

The Catholic Church as a community of faith, shares in the experience and the challenge of sickness and disease in our world. "When one member suffers, all members suffer." The Catholic Church in the Diocese of Owensboro along with the Universal Church continues to suffer with persons who endure pain, debilitation, isolation and death resulting from disease. At the same time, it also shares the trauma of family members, friends and associates who have been devastated by suffering and death of loved ones. It is from this community of faith that young people, as indeed the whole civic community, can learn a compassionate response for all suffering members, including those who suffer from communicable/infectious disease.

Jesus was healer, reconciler and teacher. He not only healed physical ailments, but also helped people to find peace in their hearts and to overcome alienation from their community. The words, deeds and the magnetism of Jesus brought diverse people together and challenged them to respect, love and serve one another. This healing presence of Jesus continues to shape the ministry of the Church, the education of its members and to challenge all involved.

In light of this information and Jesus's challenge to respect, love and serve one another, the Diocese of Owensboro has proposed the following policy that deals with all Diocesan personnel, staff, teachers and students who have contracted communicable/infectious or similar serious medical conditions in a Christian manner that respects their dignity as a human being and protects their confidentiality and privacy by avoiding rumors and unwarranted intrusions on their rights.

**MEDICAL FACT**

KRS 158.160 amended in 1992 required the Cabinet for Human Resources to define medical conditions which may pose a threat to others in the school environment. These conditions considered to pose a threat to others in the school environment are: hepatitis A, measles, bacterial meningitis, meningococcemia, pertussis, rubella, shigellosis, infectious tuberculosis, typhoid fever or its carrier state, mumps, head lice, and weeping or excoriating skin infections which cannot be adequately covered.

The Surgeon General of the United States, the Center for Disease Control and local health officials of the Board of Health assure us that HIV infection/AIDS and Hepatitis B are not transmitted by casual interpersonal contact. HIV (human immunodeficiency virus) is not airborne and does not survive outside the body. It cannot be caught by touching an infected person or by sharing a drinking fountain, a glass, a communion chalice or a telephone. In 1990, the Kentucky Cabinet for Human Resources amended the guidelines for School Attendance for HIV Children. It was determined that panel meetings, for specific children with HIV infection, prior to school attendance are not necessary.

**POLICY**

1. *Students*
  - A. A parent, legal guardian, or other person or agency responsible for a student shall notify the student's school if the student has any medical condition which is determined by the Cabinet for Human Resources in administrative regulation as threatening the safety of the student or others in the school. The notification shall be given as soon as the medical condition becomes known and upon each subsequent enrollment by the student in a school. The principal, guidance counselor, or other school official who has knowledge of the medical condition shall notify the student's teachers

in writing of the nature of the medical condition.

- B. If any student is known or suspected to have or be infected with a communicable disease or condition for which a reasonable probability for transmission exists in a school setting, the superintendent for Catholic Schools of the Diocese of Owensboro may order the student excluded from school in accordance with generally accepted medical standards which the superintendent shall obtain from consultation with the student's physician or the local health officer for the county in which the school is located. During the presence in any school district of dangerous epidemics, the board of education of the school district may order the school closed.
- C. A student with a communicable/infectious disease such as hepatitis B or HIV infection/AIDS will be allowed to attend school, religious education classes, as well as extra-curricular activities/sports.

2. *Diocesan personnel, school employees and parish staffs*

Any decision regarding the employment or continued employment of a person who has been diagnosed with a communicable disease shall comply with the following guidelines in dialogue with the employee's supervisor:

- A. All institutions shall apply existing personnel policies and procedures regarding employment, working conditions, sick leave, termination of employment and related matters to employees diagnosed with a communicable disease on the same basis as to employees who have other diseases or conditions which may incapacitate them for work or otherwise affect job performance.
- B. The institution shall provide insurance and other benefits. Employees must satisfy the eligibility and co-payment requirements applicable under existing or future employee benefit plans.
- C. If employees show signs of an infection or illness which could expose others to a medically recognized risk of infection, then the institution may require them to take mandatory leave of absence. Such employees would be allowed to return to work with medical clearance.
- D. Employees who refuse to work with co-workers (students or teachers) with a diagnosis of a communicable disease may subject themselves to corrective action, which may include the termination of employment. Those who refuse to work with coworkers will receive appropriate education before any punitive action will be taken.
- E. No church related institution may routinely require serologic blood testing for HIV or hepatitis B of employment applicants or current employees.
- F. An institution shall refrain from taking into account an individual's association with a person with a communicable disease in a decision to: hire, promote, transfer, evaluate job performance, adjust wages, assign work, change working conditions, or dismiss.
- G. No institution shall terminate an employee with a communicable disease because of or to prevent a claim against such employee's retirement or medical benefits.
- H. The employee and the supervisor shall discuss and evaluate the employee's ability to perform job duties adequately and safely.

3. *Right to privacy and handling reports/information*

The right to privacy of the infected individual, employee or student shall at all times be respected. Diocesan personnel, parish staffs, and students should be prepared to deal with all situations in a way that protects all persons involved. No diocesan personnel or parish employee may confirm or deny that such a condition exists in any church, school, or religious education program except as prescribed by law. The same laws which control access to student's records bind in a special way confidentiality of information about infectious/communicable diseases.

All diocesan personnel, school employees, parish staff and students shall follow the recommendations contained in the "Guidelines for Handling Body Fluids in Schools" and "The Exposure Control Plan" found in the Diocesan Policy Book and the faculty Handbook of each school. Body fluids are treated by these same guidelines regardless of the medical status of the employee or student. Generally, in handling body fluids and taking precautions against communicable/infectious diseases, all students and employees should be dealt with as if they were infectious. These guidelines will provide effective measures to protect against the transmission of infectious disease and will model the kinds of precautions that must be taken in the handling of body fluids. Disposable plastic gloves should be made available by the institution/parish/school/athletic facility to all personnel for use in the proper handling of body fluids.

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