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When an employee has tested HIV positive, it is optional for that person to notify the Employer/Superintendent of Schools. Notification of an individual’s positive HIV status does not justify limiting that person’s involvement in the school. Informed individuals will be subject to the requirements of the Rhode Island General Laws 23-6-17 and 5-37.3-7 as well as any other relevant federal and state laws and regulations relating to the confidentiality of health care information. HIV related information cannot be transferred or released except as allowed by Rhode Island General Laws 23-6-17.

Information concerning the identity of “potentially or confirmed” HIV positive employees must be kept confidential in accordance with Rhode Island General Laws 23-6-17; 23-6-18; and 5-37.34. Any written or electronic records containing this information should be kept in a respective file in the appropriate secured area:

Employee information shall be kept in a locked file in the Superintendent’s office and/or in Human Resources in the Administration office and accessible only to those who have received written permission from the infected person.

All District/school employees and/or students who receive this information are bound by state and federal confidentiality laws.

Persons in the school system who may need to know the identity of a “potentially or confirmed” HIV positive employee may include:

The certified school nurse teacher and/or school physician, especially if acting as a liaison with the potentially or confirmed infected person’s personal physician (in order to monitor the employee’s health status). In addition, certain other employees of the Lincoln Public Schools as well as the Principal of the potentially or confirmed person may be made aware on a ‘need to know’ and confidential basis.

The decision to inform personnel should not be made without the consent of the employee affected and a signed “release of information” shall be completed by the potentially or confirmed person. A consultation with the potentially or confirmed persons’ physician is recommended.

Due to confidentiality, staff will not be made aware if an employee is HIV positive. Therefore, it is critical that Universal Precautions are practiced by everyone.

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TOWN OF LINCOLN SCHOOL COMMITTEE, Lincoln, Rhode Island