

Program Element #07: HIV Prevention Services

1. Description.

Funds provided under this Agreement for this Program Element may only be used, in accordance with and subject to the requirements and limitations set forth below, for the following services and appropriate costs associated with the delivery of these services:

- a. confidential and anonymous HIV counseling, testing and referral services, including rapid HIV testing, for residents of LPHA's service area,
- b. other HIV prevention services with evidence of effectiveness to identified high-risk populations in LPHA's service area; and
- c. structural activities that facilitate the delivery of HIV prevention services to high-risk populations in the LPHA's service area.

All services must be provided in accordance with the LPHA's program plan that has been approved by the DHS HIV Prevention Program.

High-risk populations identified in Oregon are persons living with HIV, men who have sex with men, injection drug users, men who have sex with men who also inject drugs, and sex partners of any of the above. Funds awarded under this Agreement may only be expended on Services included in the LPHA's HIV Prevention Program Plan that has been approved by the DHS HIV Prevention Program.

2. Definitions Specific to HIV Services

- a. **CLHO/HIV:** – Conference of Local Health Officials HIV subcommittee of CLHO Executive.
- b. **CDC:** Federal Centers for Disease Control and Prevention.
- c. **Client Centered Counseling:** A counseling technique used in HIV Counseling, Testing, and Referral Services that usually consists of (i) a personalized risk assessment counseling session that encourages the individual to identify, understand, and acknowledge the behaviors and circumstances that put the individual at risk for HIV, explores previous attempts to reduce risk, identifies successes and challenges in these efforts and culminates, in most cases, in a commitment from the individual to adopt at least one risk reduction behavior, and (ii) a second counseling session in which the counselor discusses the HIV test results, explores how the individual may have implemented the risk reduction behavior the individual committed to in the first session, identifies with the individual additional risk reduction behaviors the he/she may also adopt, and makes any appropriate referrals. When using HIV rapid testing technology, there may be only one client centered counseling session.
- d. **HIV Counseling, Testing, and Referral Services or CTRS:** An HIV prevention service, which includes client centered counseling, obtaining a blood or oral fluid specimen on which to conduct an HIV test, and referral to other appropriate services.

- e. **HIV Prevention Program Plan:** The plan set forth in Attachment 1 attached hereto and incorporated herein by this reference that describes the HIV Counseling, Testing and Referral Services, other HIV prevention services, and structural activities that LPHA intends to deliver with funds provided under this Agreement for this Program Element.
- f. **Comprehensive Risk Counseling Services (formerly known as Prevention Case Management or PCM):** Individual-centered HIV prevention intervention activity with the fundamental goal of promoting the adoption of HIV risk-reduction behaviors by individuals with multiple, complex problems and risk-reduction needs. PCM provides intensive, ongoing, and individualized prevention counseling, support and service brokerage.
- g. **Partner Counseling and Referral Services or PCRS:** A systematic approach to notifying sex and needle-sharing partners of HIV-infected persons of their possible exposure to HIV so they can avoid infection, or, if already infected, can prevent their transmission to others. PCRS helps partners gain earlier access to individualized counseling, HIV testing, medical evaluation, treatment, and other prevention services.
- h. **Program Evaluation and Monitoring System or PEMS:** The individual-level and aggregate-level data system currently under development by CDC to monitor services provided by CDC-funded state and local health departments and community-based organizations.
- i. **Community Review Panel (a/k/a Program Review Panel):** A panel comprised of community members and established in accordance with CDC guidelines, which are available for review at <http://www.cdc.gov/od/pgo/forms/hiv.htm>, that reviews and approves for appropriateness the HIV prevention informational materials that are distributed in the county(ies) in which LPHA provides HIV prevention services. Review panels may be convened by Department or the LPHA.
- j. **Preliminary Positive:** A result from a Rapid HIV Test that indicates HIV antibodies are in the blood of the person tested. A preliminary positive test result must be followed up with a traditional serum or oral fluid HIV test to determine if the individual is actually infected with HIV.
- k. **Rapid HIV Test:** An FDA-approved HIV test that yields negative and preliminary positive test results within a short time period (less than 30 minutes) after processing specimen.
- l. **Structural activities:** Activities that remove barriers to the delivery of HIV prevention services in the LPHA service area. (Examples include working with police to support harm reduction services to injection drug users, working with Department of Transportation officials to support outreach activities in road rest areas, etc.)
- m. **Clinical Laboratory Improvement Amendments or CLIA:** Federal legislation that governs the licensing of laboratories
- n. **CLIA Certificate of Waiver:** Allows laboratory to perform simple laboratory tests.

3. Procedural and Operational Requirements

a. Staffing Requirements and Staff Qualifications

i. HIV Counseling, Testing and Referral Services

All individuals providing HIV Counseling, Testing and Referral Services supported in whole or part with funds provided under this Agreement must have received baseline training in client-centered counseling methods and in rapid HIV counseling and testing (if providing Rapid HIV Tests) according to CDC HIV CTRS guidelines. Baseline training will be available from Department in accordance with a schedule to be determined by Department in consultation with LPHA.

ii. Other HIV Prevention Services and Structural Activities

(A.) All individuals providing HIV prevention services in addition to HIV CTRS and/or engaging in structural activities supported in whole or in part with funds provided under this Agreement must have a demonstrated ability to work with the targeted populations identified in the LPHA's HIV Prevention Program Plan.

(B.) At least one staff member or supervisor, who will be providing HIV prevention services in addition to HIV CTRS and/or engaging in structural activities supported in whole or in part with funds provided under this Agreement, from LPHA and each Provider must attend in-service skills-building meetings and/or training as reasonably requested and scheduled by the Department from time to time.

b. Minimum Service Requirements

i. HIV Counseling, Testing and Referral Services

All HIV Counseling, Testing and Referral Services supported in whole or in part with funds provided under this Agreement must be delivered in accordance with LPHA's HIV Prevention Program Plan and must meet the following minimum requirements:

(A.) HIV Counseling, Testing, and Referral Services must be available on a voluntary basis and in both confidential and anonymous formats in each county within LPHA's service area. Each individual seeking such services must be informed that anonymous HIV testing is available. Although LPHA must make both confidential and anonymous HIV testing available in each county within LPHA's service area, LPHA is not required to make them both available at every site at which LPHA offers HIV testing.

(B.) HIV Counseling, Testing and Referral Services must be provided in accordance with applicable Oregon and Federal statutory and regulatory requirements, must be easily accessible and available and culturally appropriate, and must include information about HIV/AIDS reporting laws.

- (C.) HIV Counseling, Testing and Referral Services must be available regardless of an individual's ability to pay. LPHA may impose fees for HIV Counseling, Testing and Referral Services but any fees may not exceed the reasonable cost of the service. LPHA may not deny HIV Counseling, Testing and Referral services because of an individual's inability to pay for the services. Revenues generated from HIV Counseling, Testing and Referral Services supported in whole or in part with funds provided under this Agreement, and any donations received for HIV Counseling, Testing and Referral Services, may only be used for HIV Counseling, Testing and Referral Services. LPHA must report all HIV Counseling, Testing, and Referral Services fee revenue and donations to Department on the revenue and expenditure reports required by Section 8 of Exhibit E of this Agreement.
- (D.) All individuals receiving HIV Testing, Counseling and Referral Services who are at increased risk for HIV infection must receive information about appropriate prevention and testing services for related infections (e.g., hepatitis, sexually transmitted infections, and tuberculosis).
- (E.) All individuals receiving HIV Testing, Counseling and Referral Services must receive Client Centered Counseling that includes information regarding HIV transmission and prevention and the meaning of HIV test results and counseling to help the individual identify personal risk behaviors and commit to steps to reduce risk, while emphasizing realistic behavior change goals.
- (F.) Every reasonable effort must be made to provide individuals receiving HIV testing services from LPHA, with test results and follow-up counseling.
- (G.) HIV test results must be provided in a professional and supportive manner. Individuals must be provided adequate opportunity to ask questions regarding HIV test results. Face to face communication of HIV tests results is strongly encouraged for HIV-infected individuals and HIV-uninfected individuals at increased risk who might benefit from HIV prevention counseling and referral to medical, preventive and support services.
- (H.) If LPHA tests an individual for HIV and the test result is positive (either preliminary or confirmatory), LPHA must:

 - (1.) Explain to the individual the meaning of the test results.
 - (2.) Encourage the individual to participate in Partner Counseling and Referral Services and facilitate entry to this service when the individual expresses interest in the referral.
 - (3.) Provide the individual with information about and/or referral to Comprehensive Risk Counseling Services.
 - (4.) Provide the individual with information about and/or referral to mental health follow-up, when available and when appropriate.

- (5.) Provide the individual with information about and/or referral to support services and organizations.
- (6.) Maintain the strict confidentiality of both the receipt of the HIV test and the HIV test result.
- (7.) If the result is a Rapid HIV Test preliminary positive, offer the individual a confirmatory conventional HIV test or referral to confirmatory conventional HIV testing.
- (8.) If the result is a confirmatory positive, provide the individual with:
 - (a.) Referral for medical evaluation.
 - (b.) Counseling regarding the notification of partners at risk.
 - (c.) Information about and/or referral to Partner Counseling and Referral Services, if available and appropriate.
 - (d.) Information about accessing and/or referral to HIV case management services, insurance (such as the Oregon Health Plan) and emergency resources (i.e. Ryan White Program and CareAssist) if available and appropriate.
- (I.) The identity of an individual receiving HIV Counseling, Testing and Referral Services must not be released to anyone without the written consent of the individual, except when otherwise required by Oregon or Federal statute or regulation. A written copy of the confidential HIV test results may be released to the individual tested only upon request of that individual and after that individual or an authorized representative has signed an appropriate release. Individuals who receive anonymous HIV testing may only receive a verbal notification of the HIV test result.
- (J.) An LPHA may be eligible for low- or no-cost Rapid HIV Tests, subject to availability of funding, from the Department if LPHA is enrolled in CLIA and has a Certificate of Waiver. If LPHA plans to conduct Rapid HIV Tests, LPHA must consult with Department to project the number of Rapid HIV Tests to be performed in a given period of time based on past local high risk testing and intended testing outreach efforts and comply with the Department's set ordering procedures for Rapid HIV Tests and control kits. LPHAs will be provided direction on how to order Rapid HIV Tests and control kits from the Department's HIV Prevention Program when they demonstrate compliance with CLIA guidelines for waived laboratories and demonstrate the ability to meet all aspects of this program element in relation to HIV counseling and testing services.
- (K.) LPHA must designate an employee involved in LPHA's HIV Counseling, Testing and Referral Services to participate with Department staff in the

development and implementation of quality assurance activities related to HIV Counseling, Testing and Referral Services.

- (L.) A Department-approved HIV Test Request and HIV Counseling, Testing, and Referral Forms must be completed for each HIV counseling and testing encounter that is supported in whole or in part with funds provided under this Agreement. The Department-approved HIV Test Request and HIV Counseling, Testing, and Referral Forms, including "post-test disposition", must be returned to the address specified on the HIV Test Request form within one week of the day following the reporting of HIV test results to the individual tested. If the individual tested does not return for results within 30 days of testing, the Department-approved HIV Counseling, Testing, and Referral Form, including "post-test disposition," must indicate why the results were not provided to the individual and must be returned, to the address specified on the HIV Test Request form, within one week of the 30-day period after testing.

ii. All HIV Prevention Services

All LPHAs providing HIV prevention services supported in whole or in part with funds provided under this Agreement must meet the following requirements:

- (A.) All individuals who provide HIV prevention services supported in whole or in part with funds provided under this Agreement must participate in related process monitoring and evaluation activities, including the submission of data for entry into PEMS, as reasonably requested by Department and consistent with CDC Guidelines.
- (B.) Condoms must be available and distributed to populations engaging in high risk behaviors, consistent with populations targeted by the LPHA in its HIV Prevention Program Plan.
- (C.) If any part of the HIV prevention program of the LPHA is supported by federal HIV prevention funds, all HIV educational materials must be reviewed and approved by a Community Review Panel in accordance with CDC guidelines.
- (D.) All HIV educational materials developed or purchased with HIV Prevention Services funds and approved by the Community Review Panel must be accessible to the public or target population in LPHA's service area.
- (E.) If LPHA wishes to be considered for the award of financial assistance for HIV Prevention Services during the next fiscal year, LPHA must submit complete agency information and program plans for the next fiscal year to Department no later than March 15th of this fiscal year and on forms designated by Department.
- (F.) LPHA must collect and submit all individual-level and aggregate-level data, as described in and using the designated PEMS forms to the Department within one week of the date on which the individual received the service.

(G.) No financial assistance provided to LPHA for HIV Prevention Services may be used to provide treatment and/or case management services.

iii. Conflicts

In the event of a conflict or inconsistency between the provisions of the HIV Prevention Program Plan and the other provisions of this Program Element Description, the other provisions of this Program Element Description shall prevail.

c. Confidentiality

In addition to the requirements set forth in Section 6 of Exhibit E of this Agreement and Section 3 of this Program Element Description, all providers of HIV Prevention Services supported in whole or in part with funds provided under this Agreement must comply with the following confidentiality requirements:

- i.** No information regarding the existence of an individual's HIV-positive status may be kept or retained by a provider of HIV Prevention Services without the existence of an established "client with service provider" relationship between the provider and the individual. This relationship, at a minimum, is established when a provider of HIV Prevention Services engages in an interview or dialog with the individual that results in a specific record being developed relative to prospective services available to the individual.
- ii.** All materials related to the delivery of HIV Prevention Services that contain names of individuals receiving services or other identifying information must be kept in a locked and secure area/cabinet, which allows access only to authorized personnel and all computers and data programs that contain such information must have restricted access. Providers of HIV Prevention Services must comply with all applicable county, state and federal confidentiality requirements applicable to the delivery of HIV Prevention Services.
- iii.** Breaches of confidentiality are serious and require immediate action. Therefore, supervisory or administrative staff of a provider of HIV Prevention Services must evaluate all known alleged breaches by its staff, including volunteers, of the confidentiality requirements of this Program Element Description and must document the process of resolution of breaches of confidentiality. All confirmed breaches of the confidentiality requirements of this Program Element Description must result in appropriate sanctions in accordance with Provider policy and procedure and applicable law. Each provider of HIV Prevention Services must report to Department the nature of confirmed breaches by its staff, including volunteers, of the confidentiality requirements of this Program Element Description within 14 days from the date of evaluation by the provider.
- iv.** Providers of HIV Prevention Services must establish and comply with a written policy and procedure regarding a breach of the confidentiality requirements of this Program Element Description. Such policy must describe the consequences to the employee or volunteer for a verified breach of the confidentiality requirements of this Program Element Description.

- v. Providers of HIV Prevention Services must conduct an annual review, and maintain documentation of that review, of county, state, and federal requirements regarding the confidentiality of information related to individuals receiving HIV Prevention Services. Providers of HIV Prevention Services must require employees and volunteers who, in the course of performing their job, have access to such information to have an annual confidentiality review and by his/her signature acknowledge understanding of the information.

d. Certain limitations on use of financial assistance awarded for HIV Prevention Services.

Funds awarded for HIV Prevention Services may only be used to support the following activities during the period for which the funds are awarded:

- i. Programs defined and described in the Oregon HIV Prevention Comprehensive Plan dated as of September, 2005, available at <http://oregon.gov/DHS/ph/hiv/>.
- ii. Networking, collaborating and building relationships with other agencies working with the targeted populations. This may include attending meetings and giving presentations at said agencies;
- iii. Other supporting activities such as advertising and promotion of activities;
- iv. Travel costs incurred conducting services;
- v. Purchase and/or production of program materials;
- vi. Necessary office equipment and/or supplies to conduct activities;
- vii. Training and/or conferences for staff and/or supervisors that are relevant to working with the target populations;
- viii. Paperwork, meetings, and preparation related to conducting programs;
- ix. Supervision, data collection and review, participation in planning and networking groups, and/or other related activities directly related to the delivery of HIV prevention services included in the LPHA HIV Prevention Program Plan, which has been approved by the Department.