

ISSUE BRIEF

2009



Protecting Staff from Bloodborne Pathogens

Overview of the issue

In the performance of duty, OYA employees may be exposed to a youth offender's bodily fluids. Naturally, they are concerned that they may have been exposed to bloodborne pathogens and disease. What, exactly, is an employee allowed to know about the health history of a youth who exposes them to possible harm? Furthermore, can youth be prosecuted for assaulting an OYA employee with bodily fluids?

The importance of universal precautions

The National Commission on Correctional Health Care advises that youth medical records are confidential and may only be accessed by authorized medical staff. It advocates the use of universal precautions.

OYA has an up-to-date policy on bloodborne pathogens. Policy directs that staff should follow the universal precautions standard. If a staff member is exposed to a youth's body fluids, then the staff member should follow the exposure plan for the agency.

Access to a youth's records will not necessarily tell a staff member if the youth carries an infectious disease. Youth admitted to OYA facilities are not routinely tested for Hepatitis C or HIV, which require counseling and patient consent. Testing is provided for youth if the youth requests it, or if risk factors are present and the youth agrees to be tested,

or if testing is done as part of a workup due to signs and symptoms.

Staff who have been exposed may have access to medical information three ways: If a youth has already been tested and voluntarily shares the results with the staff; if the youth signs a consent to share testing results with staff; or if the youth consents to be tested for the purpose of sharing the outcome with staff.

Third-degree assault

It is against the law to propel any dangerous substance at an OYA staff member acting in an official capacity.

The crime of assault in the third degree specifically protects OYA staff members, contractors and volunteers. Prosecution may be pursued against anyone, "Knowing the other person is a staff member intentionally or knowingly propels any dangerous substance at the staff member while the staff member is acting in the course of official duty or as a result of the staff member's official duties..." (ORS 163.165(1)(i).)

A "dangerous substance" includes, but is not limited to, blood, urine, saliva, semen and feces. (ORS 163.165(3)(a).)

OYA is committed to the safety, health and wellbeing of its staff, contractors and volunteers, and will work with district attorneys to uphold the law. ◀



Colette S. Peters
Director
503-373-7212

Fariborz Pakseresht
Deputy Director
503-373-7212

Joan Palmateer
Assistant Director
Facility Services
503-373-7238

Jean Straight
Assistant Director for Business Services
503-378-8017

Perrin Damon
Manager, Public Affairs
503-378-6023
503-931-4300

Oregon Youth Authority
530 Center Street NE, Suite 200
Salem, OR 97301-3765
503-373-7205
www.oregon.gov/oja