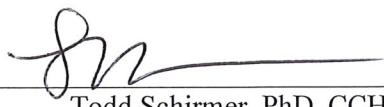


County of Marin Behavioral Health and Recovery Services (BHRS)	POLICY NO. BHRS-67
	Next Review Date: January 1, 2027
POLICY:	Date Reviewed/Revised: January 26, 2024
<u>HIV INTERVENTION SERVICES</u>	By:  Todd Schirmer, PhD, CCHP Director, Behavioral Health and Recovery Services
SUPERCEDES: MHSUS-ADT-12	

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 Behavioral Health and Recovery Services provide HIV/AIDS education and testing services to clients, as allowable, and that contractors shall not discriminate against any individual because of HIV status.

II. REFERENCES:

- 45 CFR 96.128
- Professional Services Contract, Exhibit I
- DHCS BHIN:21-007 Use of Substance Use Prevention and Treatment Block Grant (SUBG) Funds for certain HIV Early Intervention Services
- SABG (SUBG) Performance Contract
- County of Marin Personnel Management Regulations

III. POLICY:

California is no longer a HIV designated state; however, beginning in State Fiscal Year (SFY) 2021-22, California will allow counties to use up to five percent of their total SFY SUBG allocation for oral fluid rapid HIV testing as well as HIV pre- and post-test counseling. The five percent limit is federally imposed, and counties that exceed this limitation will be noncompliant with this federal requirement.

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.

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HIV Early Intervention Services (EIS) may only be conducted with the informed consent of the individual. HIV EIS will not be a requisite to receiving treatment services for SUD or any other services for individuals.

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
BHRS Director

V. PROCEDURE:

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

Providers shall submit a written request to the County Alcohol and Drug Administrator to use SUBG for HIV testing and pre/post-counseling. Information should include projected numbers served and costs. BHRS will evaluate the request based on funding availability and provider capacity to implement the services outlined in DHCS BHIN 21-007. Contractors receiving SUBG funding for certain HIV EIS services shall track and report to BHRS staff during monthly invoicing and at year-end.

Counties must use HIV EIS service codes to record all such expenditures in their quarterly invoices to DHCS throughout the SFY. As with other SUBG service codes used in quarterly invoices, the HIV EIS service codes must also be used in the SUD Cost Reporting System for final settlement of county SUBG costs.

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;

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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/her/their HIV status.

Contractor compliance with this policy shall be achieved through:

1. Distribution of the Contractor Manual/Practice Guidelines annually at contract renewal, which includes links to the Professional Services Contract, Exhibit I, and additional applicable 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, County’s Administrative Officer, or designee.
5. For contractors who receive SUBG for certain HIV EIS, review of monthly invoices and SmartCare data to ensure proper utilization of funding.
6. Annual completion of the Self Audit (HIV/AIDS related Nondiscrimination and HIV Set-Aside data) by funded Contractors, and subsequent review by BHRS Contract Manager, including Contractor’s signed attestation of adherence to all laws and regulations. BHRS staff will review data reported by contractor regarding testing and education provided by applicable 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 SUBG Contract by Board of Supervisors or authorized designee agreeing to all conditions set forth in the contract.
2. Attestation to compliance with HIV EIS requirements at the annual DHCS Monitoring review.
3. Annual completion 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, BHRS 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.