

Fiscal Estimate Narratives

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LRB Number	11-2008/1	Introduction Number	SB-105	Estimate Type	Original
Description Informing correctional officers about inmates with contagious diseases					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, with some specific exceptions, a patient's health care records, as well as the results of a test for the presence of HIV, are released only with the patient's or test subject's consent. This bill permits the disclosure of information contained in health care records, HIV test results, health summary forms, and treatment summary forms about a prisoner to persons designated to have custodial authority over the prisoner or who are responsible for transferring a prisoner to or from a prison or jail, if the prisoner is found to have a communicable disease or tested positive for the presence of HIV, and the disclosure is necessary for the health and safety of the prisoner, other prisoners, the person having custodial authority, the person responsible for transferring the prisoner, or an employee of the prison or jail.

The Department of Corrections (DOC) currently has policies in place to inform correctional staff on the housing unit, as well as other pertinent staff in the institution, or any individual transporting an infected patient, regarding whether an identified inmate has a communicable disease transmitted by contact, air, droplet, or by body fluids. Which inmates have communicable diseases, and detailed safety precautions needed for self-protection, fulfillment of job duties, and prevention of disease transmission are currently provided by health care staff to appropriate non-health care staff after identification of a disease or after observation of overt signs and symptoms of a communicable disease. In order to maintain HIPAA compliance, specific inmate medical information, such as disease diagnosis, is not shared with non-health care staff.

Also under current policy, standard universal precautions (hand-washing, use of personal protective equipment when necessary, environmental disinfection techniques) are used for everyone regardless of having a known or unknown communicable disease, which are designed to reduce the risk of transmission of pathogens from both recognized and unrecognized sources of infection.

While the Department cannot predict how many offenders will be diagnosed with communicable diseases, it is anticipated that health care staff workload at prisons will increase resulting from any additional information which must be provided. Under the provisions of this bill, health care disclosures to staff with custodial authority, which may include specific diagnoses, may be required for health and safety reasons. It is anticipated that there will be an increased workload for health care staff to interpret whether such disclosures are required and to respond to staff inquiries. There would also be an increase in workload for staff who receive a briefing from health care personnel.

Policies in jails which provide for informing correctional or other staff about which inmates have communicable diseases, and precautionary measures which should be taken, likely vary from county to county. While the Department cannot determine how many offenders will be diagnosed with communicable diseases, the extent to which the provisions of this bill would require additional notifications or disclosures in excess of those made under current jail policies would increase workload at jails for health care staff, also resulting in increased costs for county jails.

Long-Range Fiscal Implications