

PERSONNEL

A. Definition

1. Contagious (communicable) - caused by the passing of disease from one person to another.
2. Infectious - caused by the invasion of disease producing micro-organism into a body where they may multiply causing disease.

B. Applicability

The policy in Subsection C following applies to school board employees known to have infectious or contagious diseases as listed in Virginia State Board of Health, Regulation #3.00.01 List of Reportable Diseases, August 21, 1984.

C. Policy

1. The employee who is infected with or a carrier of a contagious or infectious disease shall be placed on sick leave pending the decision procedures established in Subdivision (2) following. (For sick leave see school board policy #5-38 and its implementing regulation #R5-38.)
2. Decisions regarding employment and working conditions of an employee with a contagious or infectious disease should be based upon the employee's work assignments, whether they are physically able to complete assigned work and whether they are likely to expose other workers and students to infection. In each case, risks and benefits to both the infected employee and to others should be weighed.

Recommendations to the superintendent should be made by an evaluation committee composed of the employee's physician, the public health director or physician designee, the division's medical advisor and a member of the administrative staff appointed by the superintendent. A plan for a periodic review by this committee will be established at the time the initial decision is made. The superintendent's decision will be subject to appeal to the school board upon written request by the employee.

3. When an employee is determined to be unable to work because of a contagious and infectious disease, the employee shall continue on sick leave. When such leave is exhausted and the employee is unable to return to work the employee should be recommended for disability retirement.
4. An employee with a contagious and infectious disease who returns to the workplace shall undergo a periodic review as previously described in Subdivision (2) preceding.

PERSONNEL

Health Examinations: Contagious and Infectious Diseases (continued)D. Confidentiality of Records/Right to Privacy

Persons involved in the employment and supervision of employees shall respect employees' confidentiality and right to privacy, including maintenance of confidential records. The number of personnel who are aware of school employees with a contagious or infectious diseases shall be kept to a minimum needed to assure appropriate supervision and work of employees and to detect situations where potential for transmission may occur. (For personnel records see school board policy #5-13 of this manual.)

Legal Reference: (1984)

Code of Va., § 22.1-272. Contagious and infectious diseases.--"Persons suffering with contagious or infectious disease shall be excluded from the public schools while in that condition." (1980)

Code of Va., § 32.1-35. List and reports of diseases.--"The Board shall promulgate from time to time a list of diseases, including diseases caused by exposure to any toxic substance as defined in § 32.1-239, which shall be required to be reported. The Board may classify such diseases and prescribe the manner and time of such reporting." (1979)

Virginia State Board of Health, §-3.2, List of Reportable Diseases. July 1, 1993.

Acquired Immune Deficiency Syndrome (AIDS)	Lymphogranuloma venereum
Anthrax	Malaria
Arboviral infections	Measles (Rubeola)
Aseptic meningitis	Meningococcal infections
Bacterial meningitis (specify etiology)	Mumps
Botulism	Nosocomial outbreaks
Brucellosis	Occupational illnesses
Campylobacter infections (excluding C.pylori)	Ophthalmia Neonatorum
Chancroid	Pertussis
Chickenpox	Phenylketonuria (PKU)
Chlamydia trachomatis infections	Plague
Congenital Rubella Syndrome	Poliomyelitis
Diphtheria	Psittacosis
Encephalitis	Q fever
primary (specify etiology)	Rabies in man
post-infectious	Post-exposure rabies treatment
	Rabies in animals
	Reye Syndrome
	Rocky Mountain spotted fever

PERSONNEL

Health Examinations: Contagious and Infectious Diseases (continued)

Foodborne outbreaks	Rubella (German measles)
Giardiasis	Salmonellosis
Gonorrhea	Shigellosis
Granuloma Inguinale	Smallpox
Haemophilus influenzae infections - invasive	
Hepatitis	Syphilis
A (infectious)	Tetanus
B (serum)	Toxic Shock Syndrome
Non A, Non B	Toxic substance related illnesses
Unspecified	Trichinosis
Histoplasmosis	Tularemia
Human immunodeficiency virus (HIV) infection	
Influenza	Tuberculosis
Kawasaki Disease	Typhoid Fever
Lead-elevated levels in children	Typhus, flea-borne
Legionellosis	Vibrio infections including cholera
Leprosy	Waterborne outbreaks
Leptospirosis	Yellow fever

Code of Va., § 32.1-36. Reports by physicians and laboratory directors. (1981)

A. Every physician practicing in this Commonwealth who shall diagnose or reasonably suspect that any patient of his has any disease required by the Board to be reported and every director of any laboratory doing business in this Commonwealth which performs any test whose results indicate the presence of any such disease shall make a report within such time and in such manner as may be prescribed by regulations of the Board.

B. Any physician who diagnoses a venereal disease in a child twelve years of age or under shall, in addition to the requirements of subsection A hereof, report the matter, in accordance with the provisions of §63.1-248.3, unless the physician reasonably believes that the infection was acquired congenitally or by a means other than sexual abuse.

C. Any physician practicing in this Commonwealth shall report to the local health department the identity of any patient of his who has tested positive for exposure to human immunodeficiency virus as demonstrated by such test or tests as are approved by the Board for this purpose. However, there is no duty on the part of the physician to notify any third party other than the local health department of such test result, and a cause of action shall not arise from any failure to notify any other third party.

D. Upon investigation by the local health department of a patient reported pursuant to subsection A, the Commissioner may, to the extent permitted by law, disclose the patient's identity and disease to the patient's employer if the Commissioner determines that (i) the patient's employment responsibilities require contact with the public and (ii)

PERSONNEL

Health Examinations: Contagious and Infectious Diseases (continued)

the nature of the patient's disease and nature of contact with the public constitutes a threat to the public health.

The patient's identity and disease state shall be confidential as provided in §§32.1-36.1 and 32.1-41. Any unauthorized disclosure of reports made pursuant to this section shall be subject to the penalties of §32.1-27.

E. Physicians and laboratory directors may voluntarily report additional information at the request of the Department of Health for special surveillance or other epidemiological studies.

Code of Va., § 32.1-37. Reports by persons other than physicians A. The person in charge of any medical care facility, school or summer camp as defined in §35.1-1 shall immediately make or cause to be made a report of a disease required by the Board to be reported when such information is available to that person and that person has reason to believe that no physician has reported such disease as provided in §32.1-36. Such report shall be made by telephone or in person to the local health director or to the Commissioner.

B. The person in charge of any medical care facility, school or summer camp as defined in §35.1-1 may also voluntarily report additional information at the request of the Department of Health for special surveillance or other epidemiological studies.

Virginia State Board of Health, Regulation #3.01.04, Persons in Charge of a School-- "Any person in charge of a school shall report immediately to the local health department the presence or suspected presence in his school of children who have common symptoms suggesting an epidemic or outbreak situation." (August 21, 1984)

Code of Va., § 32.1-38. Immunity from liability.--"Any person making a report required by this chapter shall be immune from civil liability or criminal penalty connected therewith unless it is proved that such person acted with malicious intent. Neither the Commissioner nor any local health director shall disclose to the public the name of any person making a report pursuant to this chapter." (1979)

Code of Va., § 32.1-41. Anonymity of patients and practitioners to be preserved in use of medical records. (1979)

Code of Va., § 22.1-301. Costs of medical examinations and of furnishing medical records.--"It shall be unlawful for any school board to require any instructional employee to pay the costs of a medical examination or the cost of furnishing medical records required as a condition to continued employment. Nothing in this section shall prohibit the immediate supervisor from requesting an employee to submit a physician's certificate verifying the illness of an employee at the employee's expense." (1980)

PERSONNEL

Health Examinations: Contagious and Infectious Diseases (continued)

Code of Va., § 40.1-28. Unlawful to require payment for medical examination as condition of employment.--"It shall be unlawful for any employer to require any employee or applicant for employment to pay the cost of a medical examination or the cost of furnishing any medical records required by the employer as a condition of employment.

Any employer who violates the provisions of this section shall be subject to a civil penalty not to exceed \$100 for each violation. A penalty determination by the Commissioner shall be final, unless within fifteen (15) days after receipt of such notice the person charged with the violation notifies the Commissioner by certified mail that he intends to contest the proposed penalty before the appropriate general district court.

Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the Treasury of the Commonwealth. The Commissioner shall prescribe procedures for the payment of proposed penalties which are not contested by employers." (1982)

Adopted by School Board: September 2, 1986