



---

# CHAIRMAN'S MEMORANDUM

## NO. 8-2005

### August 17, 2005

---

**TO: SHERIFFS, CHIEF ADMINISTRATIVE OFFICERS, COMMISSIONERS OF CORRECTION, NEW YORK CITY WARDENS, JAIL MEDICAL DIRECTORS**

**RE: 2005 Guidance: HIV Counseling & Testing and Laboratory Reporting from the NYS Department of Health**

---

Jails are important sites for public health interventions because many persons entering the correctional system have histories of high-risk behaviors, substance use and lack access to primary and preventive care. Although the prevalence of HIV among jail inmates in New York State has not been documented, numerous studies have found high rates of HIV among persons in correctional systems, including jails. Jail inmates represent a population at high risk that could benefit greatly from HIV testing. Testing jail inmates and providing those who test positive with access to care and services benefits both the inmates and the communities to which they return. Many people who learn that they are HIV-infected adopt behaviors that reduce the risk of transmission yet, among the general population, it is estimated that 25% of those living with HIV are unaware of their infections. HIV testing in correctional facilities, even in areas of low seroprevalence, can be cost effective.

Attached is a letter from the Commissioner of Health announcing new policy Guidance to make HIV testing routine in more settings to ensure people know their HIV status, to ensure access to care and services for persons with HIV, and to assure high quality care. As part of the statewide effort to make HIV testing more routine, the NYS Department of Health (NYSDOH) recommends routine HIV testing in correctional facilities (see 2005 Guidance, p.2). This is consistent with the "Advancing HIV Prevention" initiative, announced by the Centers for Disease Control and Prevention in 2003, which highlighted correctional facilities, including jails, as priority settings for stemming the tide of HIV/AIDS. It is important for local correctional facilities in New York State to be aware of the new Guidance and to take steps to implement it immediately. This can best be achieved in collaboration with dedicated jail medical personnel, local health department staff, local contractors, contracted health services providers and/or any other providers currently offering primary and preventive services to jail inmates.

In so far as practicable, HIV testing should be routinely recommended to all jail inmates in New York State. Facility policy and procedures should be reviewed and updated to set forth how the NYSDOH Guidance will be implemented. Opportunities to recommend testing exist at the time of intake screening, during medical evaluation and at release. Availability of testing upon request should be promoted if suitable arrangements can be made to offer this service. If the length of stay offers the opportunity to test, such testing should be routinely recommended. If testing is not able to be done or inmates do not wish to be tested in jail, they should be given referral information (phone number to call, address of testing site) and recommended to make an appointment for testing.

---

New York State Commission of Correction  
80 Wolf Road, 4<sup>th</sup> Floor  
Albany, New York 12205  
(518) 485-2346

Alan J. Croce, Chairman/Commissioner

Frederick C. Lamy, Commissioner  
Frances T. Sullivan, Commissioner

To help make HIV testing more routine, NYSDOH has simplified and streamlined the pre-test counseling and informed consent processes. In many cases, streamlined pre-test counseling can rely on the new Informed Consent form which features an Informational Section (Part A), containing all of the information that an individual needs to know to make a decision about testing, and a signature page (Part B). The Guidance discusses other ways to streamline pre-test counseling. Arrangements for more intensive pre-test counseling, upon request or based upon provider assessment of individual needs, are necessary and the best approach for meeting the needs of individuals who need more in-depth counseling would vary by facility.

As outlined in the Guidance, rapid HIV antibody tests are effective, relatively inexpensive, easy to use and do not require specialized equipment. Rapid tests can provide same-day results and their use can overcome the situation of inmates being released from jail before their test results become available. The Guidance provides a web link to information about rapid testing.

With the advent of highly active antiretroviral therapy, mortality among persons living with HIV/AIDS has declined dramatically. Arrangements for care and treatment, based upon the inmate's projected length of incarceration, are critical. Every effort should be made to ensure access to care as soon as possible. Linkages and resources for HIV care need to be in place for individuals detained within the facility and for those released to the community. For inmates transferred to the NYS Department of Correctional Services (DOCS), timely transfer of medical information remains a priority. The Commission is working with NYSDOH and DOCS on a model transfer form which will be made available soon via a Chairman's Memorandum.

If you do not already have working relationships with HIV/AIDS organizations in your community, the NYSDOH AIDS Institute can help. The AIDS Institute can also suggest ways in which you can strengthen HIV/AIDS-related programs and services within your facility and for individuals being released back into the community. For assistance, contact Felicia Schady of the NYSDOH AIDS Institute's Bureau of Community Based Services at (518) 486-1412.

- ▶ Additional information on 2005 Guidance is available at:  
[http://www.health.state.ny.us/diseases/aids/regulations/2005\\_guidance/index.htm](http://www.health.state.ny.us/diseases/aids/regulations/2005_guidance/index.htm)
- ▶ Locations offering either anonymous or confidential testing in the community may be found at:  
<http://www.health.state.ny.us/diseases/aids/testing/>.
- ▶ Free materials promoting testing and an order form are available. These may be viewed on-line at:  
<http://www.health.state.ny.us/diseases/aids/publications/>.
- ▶ Information about rapid testing for HIV may be accessed at:  
<http://www.health.state.ny.us/diseases/aids/testing/rapid/index.htm>.

The Commission will remain in communication with the NYSDOH and will continue to provide information and updates on issues that pertain to jail medical services. We appreciate your active involvement in this important statewide initiative.

---

**Alan J. Croce, Chairman/Commissioner**

Attachments

cc: Local Health Commissioners/Public Health Directors