GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H 1

HOUSE BILL 1911

Short Title: HIV Counseling Funds.	(P	ublic)
Sponsors: Representatives H. Hunter; Adams, Bowman, Jeffus, Wainwright.	Kennedy,	and
Referred to: Appropriations.		

May 31, 1994

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CORRECTION FOR THE ESTABLISHMENT OF AN HIV COUNSELING PROGRAM.

Whereas, there were approximately 31,000 inmates admitted to the North Carolina Division of Prisons in 1993, and on June 30 of that year, 463 of these inmates were known to be HIV-positive; and

Whereas, approximately one-third of the incoming prison population voluntarily submits to testing for the HIV virus upon admission; and

Whereas, based on 1989 data showing that 3.1% of incoming inmates are HIV-positive, the Department estimates that approximately 952 incoming inmates would test positive for HIV if all incoming admissions were tested; and

Whereas, the prison population has been identified as "high-risk" for HIV infection; and

Whereas, there are approximately 105,000 persons in North Carolina currently on some type of probation or parole, and approximately 1,680 inmates are granted home leave each year; and

Whereas, the potential for the spread of AIDS among prison inmates and among the general population when HIV-positive inmates leave the system poses a significant and deadly threat to the public health of the citizens of North Carolina; and

Whereas, it is in the interest of the public health of this State to establish programs that, to the maximum extent possible, prevent the spread of AIDS; Now, therefore,

23 The General Assembly of North Carolina enacts:

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Section 1. Chapter 143B of the General Statutes is amended by adding the following new section to read:

"§ 143B-262.2. Department of Correction – HIV Prevention, Counseling, and Treatment Program.

- (a) The Department shall establish a program to provide inmates who test positive for HIV/AIDS, with counseling and related support services. Program services shall be available to inmates systemwide and shall include the following:
 - (1) HIV testing of all inmates who are scheduled to be paroled or released from prison on probation or home leave. Inmates identified as HIV-positive shall be further tested and, for so long as the inmate is under the Department's custody and jurisdiction, treated as medically indicated.
 - (2) HIV pre-test and post-test counseling, which counseling may include information on condom usage.
 - (3) Interviews with each HIV-positive inmate and notification of all persons identified by the inmate as having been the inmate's sexual partner.
 - (4) Enhanced counseling for all inmates to provide education and behavior modification information. Enhanced counseling shall also provide for individual counseling sessions to inmates who have tested positive for HIV to allow for individualized risk assessment and development of plans for behavior modification upon the inmate's release.
 - (5) Antiviral therapy for HIV-positive inmates as medically indicated;
 - (6) <u>Distribution of written information and other materials, including condoms, designed to prevent the spread of AIDS to all inmates upon release or home leave from the system.</u>
- (b) <u>Inmate medical records in the custody of the Department containing information about HIV/AIDS testing, counseling, therapy, and other treatments shall be maintained in conformance with G.S. 130A-143 and other applicable State and federal laws governing confidentiality.</u>
- (c) The Department shall work with the Department of Environment, Health, and Natural Resources to provide training to parole officers and other Department personnel in HIV-prevention counseling, behavior modification, and other areas necessary to ensure effective implementation of the program.
- (d) The Department shall work with the Department of Environment, Health, and Natural Resources to jointly implement and operate the HIV Prevention, Counseling, and Treatment Program."
- Sec. 2. There is appropriated from the General Fund to the Department of Correction the sum of forty-one thousand three hundred seventy-four dollars (\$41,374) for the 1994-95 fiscal year to establish and support, beginning June 1, 1995, a full-time HIV Nurse Coordinator and an assistant coordinator to oversee implementation of the HIV Counseling Program established in Section 1 of this act and to establish and support, beginning June 1, 1994, 11 additional full-time HIV Counseling and Testing

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Nursing Staff to provide clinical services and conduct pre-test and post-test HIV counseling and one clerical position for this Program.

Sec. 3. There is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources the sum of forty-three thousand nine hundred ninety-seven dollars (\$43,997) for the 1994-95 fiscal year to establish and support, beginning June 1, 1994, the following positions: a health educator, a DIS supervisor, six Disease Intervention Specialists, seven Public Health Consultants, and two clerk typists to implement the HIV Prevention, Counseling, and Treatment Program established in Section 1 of this act.

Sec. 4. There is appropriated from the General Fund to the Department of Correction the sum of one million three hundred sixteen thousand two hundred twenty dollars (\$1,316,220) for the 1994-95 fiscal year to implement the HIV Counseling Program established in Section 1 of this act and to continue and support the positions created in Section 2 of this act. The Department shall report quarterly, beginning October 1, 1994, to the Chairs of the House Appropriations Subcommittee on Natural and Economic Resources, and the Senate Appropriations Committee on Natural and Economic Resources, and to the Fiscal Research Division of the Legislative Services Office. The report shall provide information on program implementation, expenditure of funds, and statistical data on the number of inmates tested, the number identified as HIV-positive, and the number receiving antiviral therapy or other treatment.

Sec. 5. There is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources the sum of one million thirty-one thousand eight hundred forty-four dollars (\$1,031,844) for the 1994-95 fiscal year to provide education, counseling, and training services to the Department of Correction for the HIV Prevention, Counseling, and Treatment Program established under Section 1 of this act and to continue and support the positions created in Section 3 of this act.

Sec. 6. Section 1 of this act is effective upon ratification. The remainder of this act becomes effective July 1, 1994.