



CITY OF MADISON POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



Precautionary Measures & Significant Exposure to Infectious Pathogens

Eff. Date 08/07/2023

Purpose

The procedure of the Madison Police Department (MPD) regarding significant exposure to Human Immunodeficiency Virus (HIV), Hepatitis B virus (HBV), Hepatitis C virus (HCV), and other infectious pathogens in the occupational setting is to offer testing, counseling, and follow-up for employees so exposed in the course of their work for the MPD. This procedure has been developed with consultation with the MPD Medical Director.

Precautionary Measures

Employees performing job tasks where they could reasonably anticipate exposure to blood or other potentially infectious materials are expected to utilize appropriate precautionary measures and keep disposable gloves (nitrile or impermeable) readily available. Gloves should be worn when handling any person, clothing or equipment contaminated with blood or other potentially infectious material, or when the employee anticipates becoming involved in any activity during which they might be exposed to blood or other potentially infectious materials (providing emergency medical treatment, searches of persons or property, etc.). Other precautionary work measures include:

- When employees wear gloves for situations that may expose them to blood or other potentially infectious materials, they should wash their hands with soap and water after removal of the gloves. Antibacterial hand gel may be used if soap and water are not readily available, but washing with soap and water should take place as soon as possible.
- Employees should cover any open breaks in the skin with either clothing or an appropriate bandage. Areas likely to be contaminated should be covered with waterproof dressings.
- If an employee comes into contact with blood or other potentially infectious materials, the area should be washed with soap and water as soon as possible or flushed with water if soap is not available or appropriate. Antibacterial hand gels may be used in addition to this but are not a substitute.
- Needles should not be re-capped; they should be placed in an appropriate container for disposal or property tagging.
- Possibly contaminated sharp objects should not be handled with bare hands.
- Employees should wear an N95 or N100 mask in situations where they reasonably believe an infectious airborne disease could be present. Other protective equipment should be utilized in a manner consistent with the employee's duties and training.
- When anticipating possible exposure to liquid infectious agents, employees should wear protective eyewear (prescription eyewear, goggles, protective eyewear, etc.).
- Clothing or equipment that has been contaminated with blood or other potentially infectious materials should be removed as soon as is feasible after contamination.

Employees are not required to utilize protective equipment in situations where doing so would prevent the delivery of emergency medical care or other urgent action that would endanger individual or public safety. In these instances, the employee should utilize appropriate protective equipment as soon as possible.

Supervisors should routinely monitor staff to ensure that appropriate precautionary measures are being followed routinely. All employees holding positions with potential exposure to blood or other potentially infectious materials will be provided training in use of precautionary measures.

Significant Exposure

An exposure must be certified as significant by a physician. Significant exposure of an employee in the occupational setting is defined as the employee having sustained a contact which carries a potential for a transmission of HIV, HBV, HCV, and other infectious pathogens by one or more of the following means:

1. Transmission of blood, semen, or other body fluid into a body orifice.
2. Exchange of blood during the accidental or intentional infliction of a penetrating wound, including a needle puncture.
3. Entry of blood or other body fluid into an eye, an open wound, an oozing lesion, or where a significant breakdown in the skin has occurred.
4. Other routes of exposure, defined as significant in rules promulgated by the MPD. The MPD, in promulgating the rules, shall consider all potential routes of transmission of HIV identified by the Centers for Disease Control of the Federal Public Health Service.

Rights and Responsibilities

EMPLOYER

- Offers testing, counseling, and follow-up that may include treatment to the Employee through Worker Compensation.
- Initiates contact with the source individual. If the source individual has no medical provider or financial resources for testing, the MPD may offer and provide appropriate testing.
- May not obtain test results of the Employee.
- May require that the Employee seek medical assessment but cannot require that the Employee be tested or treated.
- May request source be tested for HIV/HBV and HCV or other infectious diseases.
- If source refuses, a court order may be processed through the District Attorney's Office.

EMPLOYEE

- Uses universal precautions per MPD Procedures.
- Informs employer when a potentially significant exposure has occurred.
- May obtain testing, counseling, and follow-up with their medical provider and/or the MPD Medical Director.
- May refuse testing, counseling, and follow-up services.
- May obtain test results on the source in any of the following circumstances:
 - The source consents to be tested and consents to release the test results to the exposed employee.
 - Previous HIV/HBV/HCV tests have been conducted on the source within an acceptable time interval and are available.
 - HIV test results through a court order.
- Must keep all test result information from a source strictly confidential.

SOURCE

- Has the right to be informed that a potential significant exposure has occurred.
- May refuse to be tested unless court order has been obtained.

Legal Reference

- Wisconsin State Statutes 252.15(1)(em)
- Occupational Safety and Health Administration (OSHA) Final Rule, CPL Part 1910.1030 "Occupational Exposure to Bloodborne Pathogens"

Procedure – Responsibility and Protocol

Responsibility

The Supervisor in charge of each significant exposure determination shall assure the following:

1. The significant exposure supervisor checklist is followed (A to Z Forms)
2. All documents are complete and accurate.
3. Documents are properly used and are dispositioned.

Protocol

Significant Exposure Protocol for Obtaining Source Blood and Test Results

***Officer has the right to not participate in this Protocol**

1. **Take officer to hospital**
 - a. Officer should clean exposed area as soon as possible after incident.
 - b. Meriter Hospital is the preferred hospital as they are most familiar with our process; however, the other hospitals can also assist in this process.
 - c. Officer must be checked in as a patient. This creates a medical record that will house test results.
2. **Pull separate Case Number for Significant Exposure to document this process**
 - a. This case number should be placed on all forms.
 - b. Route report(s) to MPD Medical Director, Dr. Ashley Anderson.
 - c. Separate case number is needed because the medically protected information produced through this process should not be documented in the original incident during which the significant exposure occurred. On rare occasion, when the source knows they are infected and intentionally exposes the officer, it is necessary to document those criminal elements under the case number assigned to the original incident during which the exposure occurred for proper charging. Extreme caution shall be taken to balance the protection of the officer's medically protected information with the information necessary to accurately document the circumstances supporting the criminal activity. Charging consideration - Wisconsin Statute 941.375.
 - d. **Complete - Employee Injury Reporting Process**
 - i. When reporting a significant exposure while on duty, personnel are required to notify a supervisor, commander, civilian manager, or MPD's Officer in Charge immediately, and PD Medical. The employee must call the City's external medical call-in line (Paradigm) to report the injury. In the case of significant emergencies (e.g. a critical incident), the employee's supervisor will call this external line on the employee's behalf.
 1. Contact Information for External Call-In Line: 844-847-8709
 - ii. Supervisor shall make Telestaff entry for injured officer. Telestaff Work Code – INJURED and a detail code of EXPOSURE. Entry should be for 15 minutes and the start of that 15 minute entry should be listed as the start time the significant exposure occurred.
 - iii. After the employee contacts Paradigm, PD Medical will receive a report that summarizes the significant exposure. This report will be emailed to the employee and their supervisor as noted on the report. This report is then placed in their medical file.
 - e. **Complete - City of Madison Medical Status Report Form**
 - i. **Physician** completes this form with the Officer.
 - ii. This form must be completed while at the hospital, at the end of the appointment before discharge. Not completing this form at the time the officer is seeking

medical treatment for the significant exposure will force the officer to re-contact the doctor at a later time to have it completed.

- iii. This form must be completed even if officer does not miss any work.
- iv. Disposition of Form – officer must scan and email to PD Medical for placement in the employee's MPD Medical File.

3. Doctor evaluates officer for Significant Exposure

a. Determination of Exposure to Blood/Bodily Fluids Form

- i. This form should be available at the hospital.
- ii. This form documents if the Physician determined if there was a Significant Exposure or not.
- iii. **Officer** completes sections I, II, and III. Officer signs in section III.
- iv. **Physician** will complete section IV. Make sure box 'IV' is completed by checking Yes or No. Document the Physician's finding in the Significant Exposure Report. If Physician selects, "No", they deem a Significant Exposure to have not occurred. Officer can seek a second opinion with their personal physician or MPD Medical Director.
- v. Completed forms should be scanned and emailed to PD Medical.

b. **If there are issues with the medical determination, contact Dr. Ashley Anderson.**

4. Consent from Source for Blood Draw and Testing

THE FOLLOWING STEPS SHOW HOW TO OBTAIN THE BLOOD

Source is DECEASED

1. Contact the ME's Office immediately. at 608-284-6000
2. The ME can perform HIV Testing and disclose the results to the Officer as long as the evaluating doctor from #3 above has deemed the event a Significant Exposure on the - **Determination of Exposure to Blood/Bodily Fluids Form.** §252.15(5m)

Source provides CONSENT

1. Complete **Consent for Laboratory Testing and Consent to Release of Test Results Form.** Use significant exposure case number.
2. It is best practice to have someone who was not involved in the original event related to the significant exposure to work with the source. The exposed officer should not have contact with the source during this time.
3. The expiration date for this form is six (6) months from the date of the blood draw.
4. The officer's primary care physician name and clinic address must be completed on the bottom of this form. This identifies to whom and where the blood test results are sent. If the officer does not have a primary care physician, the MPD Medical Director may be used.
5. Read the form to the source, preferably with a witness present.
6. A consenting source signs the form.
7. Form is signed and dated by person reading the form and any witnesses.
8. The hospital/physician will need a copy of this form to go with the drawn blood as this indicates where the results are to be sent (i.e., the exposed officer's personal physician).

Source REFUSES CONSENT OR is UNABLE TO CONSENT or is AT-LARGE

***IMPORTANT –**

- Ask the officer if they used universal precautions in this instance.

- If the officer did not use universal precautions, then in order for the court order compelling the testing to proceed, it must be documented what emergency prevented the officer from using universal precautions. This emergency must rise to the level of endangering the life of the individual. See State Statute §252.15(5g)(b).
 - Document the answers to these questions in the report.
1. **Start of the court order process.** Let officer know this process will take at least three, and up to twenty, days to complete.
 - a. Officer should consult with their personal physician or MPD Medical Director to determine whether treatment should commence while the court order process is underway. When there is a significant risk of transmission of HIV, post-exposure prophylaxis should begin as early as possible (and no later than 48 hours after exposure).
 2. **Physician** will need to complete **Physician Affidavit**.
 - a. Supervisor shall have a notary public present to view the physician sign the form. Check with the hospital for a notary public. Alternatively, some MPD Police Report Typists (PRTs) are notary publics. See list of MPD notaries in employeenet, A to Z Forms, significant exposure.
 - b. Petitioner is the exposed officer; Respondent is the source.
 3. Try to get a detective for the following, if not already involved.
 4. Complete **Application for Order Compelling Testing and Disclosure of Results**.
 - a. As indicated on the form, the exposed officer must request this application be made.
 - b. This must be signed by the District Attorney or Assistant District Attorney.
 5. Complete **Notice of Hearing on Application for Order Compelling Testing and Disclosure of Results**.
 - a. This must be signed by a Judge. Work with the DA to get on a judge's calendar.
 - b. This form must then be served on the source at least 72 hours before the date of the hearing established by the Judge.
 6. Complete Legal Service to Source
 - a. Serve the source with the **Notice of Hearing** from #5 above no less than 72 hours before the scheduled court hearing. Show the source the original signed Notice. Provide the source with a copy of the Notice.
 - b. Provide the Source with a copy of the **Application for Order** from #4 above.
 - c. If the legal service is not given to the source prior to 72 hours before the hearing, a new court date will be needed.
 7. Complete the **Affidavit of Service** after the source has been served.
 - a. Sign this only in front of a Notary Public.
 8. Attend the hearing on the date provided on the Notice of Hearing.
 - a. Show up to court with the exposed officer, who may have to testify.
 - b. Make sure to have the completed the **Order Compelling Testing and Disclosure of Results Form** and bring it with you so the Judge can sign it at this hearing.
 - c. If order compelling is not granted by the Judge, contact MPD Medical Director, Dr. Ashley Anderson.
 9. If order compelling is granted by the Judge:
 - a. Arrange for the blood draw with the hospital; call ahead.
 - b. Show up with the original documents ready to show to hospital staff.
 - c. If hospital draws blood, they will follow up with test results.
 10. In either case, the original court documents and a copy of those same documents need to be taken to the Dane County Clerk of Courts. Both the original and the copy need to be stamped by the Clerk of Courts and the copy version is left with that office. The original copy (with the stamp) is then copied again. That copy is placed into Law Enforcement Records Management System (LERMS) and the original documents are property tagged under the significant exposure case number.

Procedure for Obtaining Blood Draw from a Source inside the Dane County Jail

- As of this time, the current procedure for obtaining a blood draw from a source person housed in the Dane County Jail is to arrange for that person to be removed from the jail and taken to Meriter Hospital for the draw.
- As of this time, this is the procedure for both the voluntary and compelled blood draws.

Significant Exposure – Summary of Forms Involved

Source and Officer should not have contact.

Form	When Used	Persons Involved
EIR completed through Workers Comp call in line**	Always	Supervisor/Officer
City of Madison Medical Status Report	Always	Officer/Physician
Determination of Exposure to Blood/Bodily Fluids	Always	Officer/Physician (Available at Hospital)
Consent for Laboratory Testing and Release of Test Results	Compliant OR At-Large Source	Source/Officer
Physician Affidavit of Exposure	Non-Compliant Source OR Source Unable to Comply OR Source is At-Large	Physician/Notary Public
Application for Order Compelling Testing and Disclosure of Results	Non-Compliant Source	Detective/DA or ADA
Order Compelling Testing and Disclosure of Results	Non-Compliant Source	Detective/Judge
Notice of Hearing on Application for Order Compelling Testing and Disclosure of Results	Non-Compliant Source	Detective/Judge
Affidavit of Service	Non-Compliant Source	Detective/Notary Public

<u>DISPOSITION OF SIGNIFICANT EXPOSURE FORMS</u>	Scan and Email to PD Medical	Originals placed in Detective Lt. Mailbox of District where Exposure occurred	Property Tag Original	Copy for LERMS	Copy for Source	Copy for District Attorney	Copy for Clerk of Courts (To be REDACTED by Records Supervisor)
Employee Injury Reporting via the call in-line X**	X**						
City of Madison Medical Status Report	X						
Determination of Exposure to Blood/Bodily Fluids	X	X					
Consent for laboratory Testing and Release of Test Results		X		X			
Physician Affidavit of Exposure		X		X			X

Application for Order Compelling Testing and Disclosure of Results			X	X		X	X
Order Compelling Testing and Disclosure of Results			X	X	X	X	X
Notice of Hearing on Application for Order Compelling Testing and Disclosure of Results			X	X	X	X	X
Affidavit of Service			X	X		X	X

*The original forms (top 2 above) can remain with the officer after emailing to PD Medical.

**Effective June 1, 2022 all employees will need to report injuries by calling 1-844-847-8709

Original SOP: 11/16/2015

(Reviewed Only: 02/22/2016, 01/09/2017, 02/04/2022)

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