

HEALTH SERVICES POLICY & PROCEDURE MANUAL

North Carolina Department Of Public Safety
Prison

SECTION: Assessment of Patient

POLICY # A-7

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SUBJECT: Court Ordered STD Testing of
Offenders

EFFECTIVE DATE: February 2014
SUPERCEDES DATE: February 2012

Reference:

NC General Statute 15A-615

PURPOSE

To provide guidelines for court ordered Sexually Transmitted Disease (STD) testing and handling refusals.

POLICY

If the Court orders the defendant to be tested and the defendant is in the custody of the NC Department of Public Safety, the NC Department of Public Safety staff shall upon receipt of a duly signed court order test the defendant and report the results back to the local health director. The local health director shall ensure that the victim is informed of the results of the tests and counseled appropriately.

Authority

G. S. 15A-615 provides that a victim of non-consensual vaginal, anal, or oral intercourse or the parent, guardian, or guardian ad litem of a minor victim of the same offense (s) may request that a defendant be tested for the following sexually transmitted diseases: 1) Chlamydia; 2) Gonorrhea; 3) Hepatitis B; 4) Herpes; 5) HIV; and 6) Syphilis. It is the responsibility of the District Attorney to petition the Court with jurisdiction over the offense to order the defendant tested. A defendant ordered to be tested under this section shall be tested not later than 48 hours after the date of the court order.

PROCEDURE

All court orders received that order testing of offenders for sexually transmitted diseases shall be sent immediately to the

- A. Department of Public Safety (DPS), Health Services Infection Control Coordinator. Any staff member receiving a call or inquiry about court ordered testing for sexually transmitted diseases shall refer the caller to the DPS Health Services Infection Control Coordinator.
- B. Upon receipt of any order that mandates the testing of an offender for sexually transmitted disease, the Infection Control Coordinator will verify the validity of the order.
- C. The Infection Control Coordinator (ICC) will then discuss the case with the Nurse Supervisor responsible for the facility where the offender is housed. The ICC will fax a copy of the order to the Nurse Supervisor. This will be followed by the original copy of the order.

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- D. The Nurse Supervisor or his/her designee shall discuss the order with the offender and request that the offender voluntarily submit to the ordered test. This discussion shall not take place in the presence of other offenders.
- E. The offender must be tested as ordered. If the offender refuses, compulsory testing will be performed as outlined in HCPM Policy ADIV-5.
- F. As soon as the test results are available, the Nurse Supervisor shall notify and send copies of the test results to the Infection Control Coordinator/designee.
- G. The Infection Control Coordinator/designee shall then report the test results to the local health director in the county from which the order was received.
- H. The offender shall be informed of the test results and appropriately counseled by the facility health care staff.
- I. Complete and thorough documentation of all interactions, discussions, counseling, and the offender's reaction to the testing shall be documented in the Health Care Record.
- J. The offender's voluntary compliance with the court order will be sought in all cases; however, offenders may not refuse sexually transmitted disease testing when ordered by a duly signed court order. In such cases, testing will be performed as outlined in HCPM Policy AD IV-5.

Paula Y. Smith, M.D.

3/31/2014

Paula Y. Smith, MD, Chief of Health Services Date

SOR: Infection Control Nurse