



SOUTH DAKOTA  DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE		POLICY NUMBER 700-09	PAGE NUMBER 1 OF 3
		DISTRIBUTION: Public	
		SUBJECT: Management of Offenders with HIV or AIDS	
RELATED STANDARDS: ACA 5-ACI-6A-16 (M)		EFFECTIVE DATE: March 15, 2026	
		SUPERSESSION: 03/01/2025	
DESCRIPTION: Clinical Services	REVIEW MONTH: February	 NICK LAMB SECRETARY OF CORRECTIONS	

I. POLICY

The South Dakota Department of Corrections (DOC) Clinical Services will establish procedures for the identification, surveillance, immunization for disease prevention, treatment, education, and follow-up of offenders who have been diagnosed with Acquired Immune Deficiency Syndrome (AIDS) or are Human Immunodeficiency Virus (HIV) positive.

II. PURPOSE

The purpose of this policy is to establish the management and medical treatment of offenders who have been diagnosed with AIDS or are HIV positive.

III. DEFINITIONS

Health Insurance Portability and Accountability Act (HIPAA):

A federal law (public law 104-191) passed by Congress in 1996, which addresses developing standards for protecting the privacy of individually identifiable health information. The act requires the Department of Health and Human Services (HHS) to adopt national standards for electronic healthcare transactions and mandated the adoption of federal privacy protections for individually identifiable health information.

IV. PROCEDURES

1. Initial Identification of HIV or AIDS:

A. *Management of HIV infection in offenders includes procedures as identified in the communicable disease and infection control program. In addition, the program for HIV management shall include:*

1. *When and where offenders are to be HIV tested.*
2. *Pre and post-test counseling.*
3. *Immunization and other prevention measures when applicable.*
4. *Treatment protocols.*
5. *Confidentiality/protected health information.*
6. *When and under what conditions offenders are to be separated from the general population [ACA 5-ACI-6A-16 (M)].*

B. Testing for HIV or AIDS.

1. All offenders will be tested for HIV upon intake to a SD DOC facility.
 - a. Only FDA-approved HIV tests will be used for diagnostic purposes.

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2. Additional testing may be conducted for the following reasons:
 - a. An offender has signs and symptoms of an acute HIV infection.
 - b. An offender has signs and symptoms of any HIV-related condition.
 - c. A female offender is pregnant.
 - d. An offender claims exposure to a known HIV-positive offender.
 - e. An offender is the source of bodily fluid exposure.
3. A healthcare practitioner may order offender testing at any time based on medical history.

C. Education.

1. During facility orientation and clinical evaluations, offenders will receive education from a health care practitioner or intake nurse on the importance of reducing the transmission of AIDS or HIV.
 - a. The education will include, but is not limited, to the following:
 - 1) Abstaining from sex while in prison and unprotected sex upon release.
 - 2) Abstaining from IV drug use.
 - 3) Abstaining from sharing tattoo or body piercing equipment.
 - 4) Abstaining from sharing personal items such as toothbrushes, dental appliances, nail-grooming/clipping equipment, or razors.
 - 5) Reporting any open/draining wounds to a Clinical Services employee.
 - 6) Covering any open/draining wounds to prevent exposure/transmission of bodily fluids.
 - 7) Use appropriate hand washing techniques before eating, after attending to personal hygiene, or after touching any contaminated items (e.g., items used in outdoor activities, animals, etc.).
2. Pre-test and post-test education are required for all offenders who have been tested for HIV. Education handouts are available.

D. Positive Results.

1. Positive HIV lab results, confirmed by immunoassay, are reportable to the South Dakota Department of Health within seven (7) days of receiving a positive- HIV lab result.
2. The facility health services administrator (HSA) or designee who received the positive lab result will report the occurrence to the infection control nurse.
3. All offenders diagnosed with AIDS or HIV will be referred to a DOC healthcare practitioner and/or a contracted specialist with experience in the management of HIV infection to develop an appropriate plan of care.
4. Therapeutic decisions regarding transmission, methods for preventing the spread of the virus in prison, as well as in the community, and the benefits and risks associated with AIDS or HIV treatment will be discussed with the offender by the health care practitioner and/or the contracted specialist.

E. Transition to the community.

1. The following will occur for offenders who are being released to community corrections, parole, or are discharging their sentence:
 - a. Education about the importance of adhering to prescribed treatments, including community resource contact.
 - b. Appropriate medication amounts.

- F. Employee communicable disease training, approved by the chief medical officer, will be provided during basic training and available through annual in-service training.

V. RESPONSIBILITY

The director of Clinical and Correctional Services and the chief medical officer will review this policy annually and update, as necessary.

VI. AUTHORITY

None.

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VII. HISTORY

March 2026
March 2025
March 2024 – New policy

ATTACHMENTS

None.