

## **Program Element #07 HIV Prevention Services**

- 1. Description.** Funds provided under this Agreement for this Program Element may only be used, in accordance with and subject to the requirements and limitations set forth below, for the following services and appropriate costs associated with the delivery of these services:
  - a.** Confidential and anonymous HIV counseling, testing and referral services, including rapid HIV testing;
  - b.** Other HIV prevention services with evidence of effectiveness to identified priority populations in LPHA's service area; and
  - c.** Structural activities that facilitate the delivery of HIV prevention services to priority populations in the LPHA's service area.

Priority populations for service focus in Oregon are identified in the current HIV Prevention Comprehensive Plan. Funds awarded under this Agreement may only be expended on services included in the LPHA's HIV Prevention Program Model Plan that has been approved by the OHA HIV Prevention Program, with a focused emphasis on services for the priority populations identified in the plan.

## **2. Definitions Specific to HIV Prevention Services.**

- a. CDC:** Federal Centers for Disease Control and Prevention.
- b. CLHO/HIV:** Conference of Local Health Officials/HIV subcommittee of CLHO Executive.
- c. Client Focused Counseling:** A counseling technique used in HIV Counseling, Testing, and Referral Services that usually consists of (i) a personalized risk assessment counseling session that encourages the individual to identify, understand, and acknowledge the behaviors and circumstances that put the individual at risk for HIV, explores previous attempts to reduce risk, identifies successes and challenges in these efforts and culminates, in most cases, in a commitment from the individual to adopt at least one risk reduction behavior, and (ii) a second counseling session in which the counselor discusses the HIV test results, explores how the individual may have implemented the risk reduction behavior the individual committed to in the first session, identifies with the individual additional risk reduction behaviors he/she may also adopt, and makes any appropriate referrals. When using HIV rapid testing technology, there may be only one client centered counseling session.
- d. Clinical Laboratory Improvement Amendments or CLIA:** Federal legislation that governs the licensing of laboratories. A CLIA certificate of waiver allows laboratories to perform simple laboratory tests.
- e. Community Review Panel (a/k/a Program Review Panel):** A panel comprised of community members and established in accordance with CDC guidelines which are available for review at <http://www.cdc.gov/od/pgo/forms/hiv.htm>, that reviews and

approves for appropriateness the HIV prevention informational materials that are distributed in the counties in which LPHA provides HIV prevention services. Review panels may be convened by OHA or the LPHA.

**f. Comprehensive Prevention with Positives:**

- i.** Linkages to care and treatment and interventions to improve retention in care and treatment for people living with HIV
  - ii.** Behavioral interventions and other risk reduction services for HIV positive individuals and their sexual or needle sharing partners to reduce the likelihood of HIV transmission
  - iii.** Interventions to prevent mother-to-child HIV transmission
  - iv.** Referral to other medical and social services, such as substance abuse and mental health services
  - v.** Support and/or facilitate voluntary testing for hepatitis, TB and other STDs and Partner Services accordingly
- g. Culturally Appropriate:** Characteristic of services provided to clients with diverse values, ethnicities, sexual orientations, beliefs and behaviors that include, as necessary, the tailoring of delivery methods to meet client's social, cultural and linguistic needs
- h. HIV Counseling, Testing, and Referral Services or CTRS:** An HIV prevention service, which includes client focused counseling, obtaining a blood or oral fluid specimen on which to conduct an HIV test, and referral and linkage to other appropriate services.
- i. HIV Prevention Program Model Plan:** The plan that describes the HIV Counseling, Testing and Referral Services, other HIV prevention services, and structural activities that LPHA intends to deliver with funds provided under this Agreement for this Program Element. Each program plan includes a specific engagement plan for communities of color and also includes anti-stigma approaches and activities for priority populations.
- j. Partner-Counseling and Referral Services or PCRS:** A systematic approach to notifying sex and needle-sharing partners of HIV-infected persons of their possible exposure to HIV. PCRS assists exposed partners to early access to individualized counseling, HIV testing, medical evaluation, treatment, and other prevention services.
- k. Preliminary Positive:** A result from a Rapid HIV Test that indicates HIV antibodies are in the blood of the person tested. A preliminary positive test result must be followed up with a traditional serum or oral fluid HIV test to determine if the individual is actually infected with HIV.

- l. Rapid HIV Test:** An FDA-approved HIV test that yields negative or preliminary positive test results within a short time period (less than 30 minutes) after processing specimen.
- m. Structural activities:** Activities that remove barriers to the delivery of HIV prevention services in the LPHA service area. (Examples include working with police to support harm reduction services to injection drug users, working with Department of Transportation officials to support outreach activities in road rest areas, etc.)
- n. Sub-contractor:** A provider offering services pursuant to a subcontract of the LPHA for the purposes of providing HIV Prevention services to a targeted population.

### **3. Procedural and Operational Requirements.**

#### **a. Staffing Requirements and Staff Qualifications.**

- i. HIV Counseling, Testing and Referral Services.** All individuals providing HIV Counseling, Testing and Referral Services supported in whole or part with funds provided under this Agreement must have received baseline training in the essentials of HIV prevention which includes client focused counseling techniques, HIV transmission basics, risk reduction messages, provision for making effective referrals and linking people to care, and a general orientation to the priority populations in Oregon. If staff is providing Rapid HIV Tests appropriate training in methods and in rapid HIV counseling and testing according to CDC HIV CTRS guidelines must be ensured. In addition, contractors should plan on attending these trainings after updates to the curricula have been made by the CDC and as reasonably requested by the OHA HIV Prevention Program. To ensure that the skills acquired during baseline training are employed during CTR services, the OHA HIV Prevention Program reserves the right to shadow contractors during at least one CTR session within a triennial review period. Baseline training will be available from the Authority in accordance with a schedule to be determined by the Authority in consultation with the LPHA.
- ii. Other HIV Prevention Services and Structural Activities.** At least one staff member who will be providing HIV prevention services in addition to HIV CTRS and/or engaging in structural activities supported in whole or in part with funds provided under this Agreement, from LPHA and each Provider must attend in-service skills-building meetings and/or training as reasonably requested and scheduled by the Authority from time to time.

#### **b. Minimum Service Requirements.**

- i. HIV Counseling, Testing and Referral Services.** All HIV Counseling, Testing and Referral Services supported in whole or in part with funds provided under this Agreement must be delivered in accordance with LPHA's HIV Prevention Program Model Plan and must meet the following minimum requirements:
- ii. HIV Counseling, Testing, and Referral Services** must be available on a voluntary basis and in both confidential and anonymous formats within the LPHA's service

area. Each individual seeking such services must be informed that anonymous HIV testing is available. Although LPHA must make both confidential and anonymous HIV testing available, LPHA is not required to make both available at every site at which LPHA offers HIV testing.

- iii.** HIV Counseling, Testing and Referral Services must be provided in accordance with applicable Oregon and Federal statutory and regulatory requirements, must be easily accessible, available, culturally appropriate, and must include information about HIV/AIDS reporting laws. The identity of an individual receiving HIV Counseling, Testing and Referral Services must not be released to anyone without the written consent of the individual, except when otherwise required, or permitted, by Oregon or Federal statute or regulation.
- iv.** HIV Counseling, Testing and Referral Services must be available for priority populations regardless of an individual's ability to pay. LPHA may impose fees for HIV Counseling, Testing and Referral Services but fees may not exceed the reasonable cost of the service. LPHA may not deny HIV Counseling, Testing and Referral Services because of an individual's inability to pay for the services. Revenues generated from HIV Counseling, Testing and Referral Services supported in whole or in part with funds provided under this Agreement, and any donations received for HIV Counseling, Testing and Referral Services, may only be used for HIV prevention services. LPHA must report all HIV Counseling, Testing, and Referral Services fee revenue and donations to the LPHA on the "Oregon Health Authority Public Health Division Expenditure and Revenue Report" under Section B of Exhibit C of this Agreement.
- v.** All individuals receiving HIV Testing, Counseling and Referral Services who are at increased risk for HIV infection must have information offered to them regarding appropriate prevention and testing services for related infections (e.g. hepatitis, sexually transmitted infections, and tuberculosis, as appropriate)
- vi.** All individuals receiving HIV Testing, Counseling and Referral Services must receive Client Focused Counseling that includes information regarding HIV transmission and prevention and the meaning of HIV test results and counseling to help the individual identify personal risk behaviors while emphasizing realistic behavior change goals to reduce those risks.
- vii.** LPHAs will assure that at least 95% of positive test results are delivered to clients testing for HIV.
- viii.** HIV test results must be provided in a professional and supportive manner. Individuals must be provided adequate opportunity to ask questions regarding HIV test results.
- ix.** If LPHA tests an individual for HIV and the test result is positive (either preliminary or confirmatory), LPHA must:
  - (a.) Explain to the individual the meaning of the test results.

- (b.) Encourage the individual to participate in Partner Counseling and Referral Services and facilitate entry to this service.
  - (c.) Provide referral for medical evaluation and ensure linkage to care.
  - (d.) Provide the individual with information about and/or referral to mental health follow-up, when available and when appropriate.
  - (e.) Provide the individual with information about and/or referral to support services and organizations.
  - (f.) Maintain the strict confidentiality of both the receipt of the HIV test and the HIV test result.
  - (g.) If the result is a Rapid HIV Test preliminary positive, offer the individual a confirmatory HIV test or referral for confirmatory HIV testing.
- x. An LPHA utilizing Rapid HIV Tests must be enrolled in CLIA and have a Certificate of Waiver.
- xi. LPHA must designate an employee involved in LPHA's HIV Counseling, Testing and Referral Services to participate with the Authority staff in the development and implementation of quality assurance activities related to HIV Counseling, Testing and Referral Services as requested by OHA HIV Prevention staff.
- xii. An Authority-approved HIV Test Request and HIV Counseling, Testing, and Referral Form (Form 44) must be completed for each HIV counseling and testing encounter that is supported in whole or in part with funds provided under this Agreement.
- c. **Other HIV Prevention Services and Structural Activities.** All HIV prevention services and structural activities supported in whole or in part with funds provided under this Agreement must be delivered in accordance with LPHA's approved HIV Prevention Program Model Plan and must meet the following minimum requirements:
- i. Program must be evidence-based and targeted to prioritized risk populations and sub populations identified in the current Oregon HIV Prevention Comprehensive Plan available at [healthoregon.org/hivprevention](http://healthoregon.org/hivprevention).
  - ii. Strategies endorsed by the CDC, such as Social Network Strategy recruitment into Counseling and Testing or other evidence-based intervention, may be implemented, subject to approval of the LPHA's Planning Program Model Plan by the OHA HIV Prevention Program and completion of relevant training for staff.
  - iii. Structural activities, such as network building to meet the needs of a targeted population group, work with related agencies to promote HIV risk reduction, etc., may be implemented, subject to approval of the LPHA's Planning Program Model Plan by the OHA HIV Prevention Program.
  - iv. OHA HIV Prevention-approved programs must be implemented with fidelity to the core elements of the evidence-based intervention. (A core element is a part of the intervention that is crucial to satisfying the intervention's goals and objectives.)

- d. All HIV Prevention Services.** All LPHAs providing HIV prevention services supported in whole or in part with funds provided under this Agreement must meet the following requirements:
- i.** All agencies that provide HIV prevention services supported entirely or in part with funds provided under this Agreement must comply with the required reporting requirements. This includes participating in monitoring related capacity building activities.
  - ii.** Condoms must be available and distributed to populations engaging in high risk behaviors, consistent with populations targeted by the LPHA in its HIV Prevention Program Model Plan.
  - iii.** If any part of the HIV prevention program of the LPHA is supported by federal HIV prevention funds, all HIV educational materials must be reviewed and approved by a local or statewide Program Review Panel in accordance with CDC guidelines.
  - iv.** All HIV educational materials developed or purchased with HIV Prevention Services funds and approved by a local or statewide Program Review Panel must be accessible to the public or target population in LPHA's service area.
  - v.** Contractors are required to conduct data submissions at least quarterly. If these reporting timelines are not met, OHA HIV Prevention Program staff will work with the contractor to establish and implement a corrective action plan.
  - vi.** Additionally, contractors provide Quarterly Fiscal Expenditure reports on the amount and percentage of funds used for each HIV Prevention activity identified in the agency's program plan using the appropriate tab of the "OHA HIV Prevention Program Plan & Reporting Workbook". This report is due within 30 days after the close of each calendar quarter.
  - vii.** No financial assistance provided to LPHA for HIV Prevention Services may be used to provide treatment and/or case management services.
- e. Conflicts.** In the event of a conflict or inconsistency between the provisions of the HIV Prevention Program Model Plan and the other provisions of this Program Element Description, the other provisions of this Program Element Description shall take precedence.
- f. Confidentiality.** In addition to the requirements set forth in Section 6 of Exhibit E, General Terms and Conditions, of this Agreement and above in this Program Element Description, all providers of HIV Prevention Services supported in whole or in part with funds provided under this Agreement must comply with the following confidentiality requirements:
- i.** All materials related to the delivery of HIV Prevention Services that contain names of individuals receiving services or other identifying information must be kept in a locked and secure area/cabinet, which allows access only to authorized personnel and all computers and data programs that contain such information must have

restricted access. Providers of HIV Prevention Services must comply with all applicable county, state and federal confidentiality requirements applicable to the delivery of HIV Prevention Services. Each provider agency will designate an Overall Responsible Party (ORP) for confidentiality protection procedures.

- ii. Breaches of confidentiality are serious and require immediate action. Therefore, supervisory or administrative staff of a provider of HIV Prevention Services must evaluate all known alleged breaches by its staff, including volunteers and subcontractor staff, of the confidentiality requirements of this Program Element Description and must document the process of resolution of breaches of confidentiality. All confirmed breaches of the confidentiality requirements of this Program Element Description must result in appropriate sanctions in accordance with Provider policy and procedure and applicable law. Each provider of HIV Prevention Services must report to the Authority the nature of confirmed breaches by its staff, including volunteers and subcontractors, of the confidentiality requirements of this Program Element Description within 14 days from the date of evaluation by the provider.
- iii. Providers of HIV Prevention Services must establish and comply with a written policy and procedure regarding a breach of the confidentiality requirements of this Program Element Description. Such policy must describe the consequences to the employee, volunteer or subcontractor staff for a verified breach of the confidentiality requirements of this Program Element Description.

**4. Certain limitations on use of financial assistance awarded for HIV Prevention Services.**

Funds awarded for HIV Prevention Services may only be used to support the following activities during the period for which the funds are awarded:

- a. Programs defined and described in the current Oregon HIV Prevention Comprehensive Plan available at [healthoregon.org/hivprevention](http://healthoregon.org/hivprevention).
- b. Networking, collaborating, and building relationships with other agencies working with the targeted populations. This may include attending meetings and giving presentations at said agencies;
- c. Other supporting activities such as advertising and promotion of activities;
- d. Travel costs incurred conducting services;
- e. Purchase and/or production of program materials;
- f. Necessary office equipment and/or supplies to conduct activities;
- g. Training and/or conferences for staff and/or supervisors that is relevant to the intervention and/or working with the target populations. This includes monitoring and evaluation trainings;
- h. Paperwork, meetings, and preparation related to conducting programs;

- i. Supervision, data collection and review, participation in planning and networking groups, and/or other related activities directly related to the delivery of HIV prevention services included in the LPHA HIV Prevention Program Plan, which has been approved by the Authority.

**5. Agency responsibility if subcontracting for delivery of services.** An LPHA may use a portion of HIV Prevention program funding to subcontract with another community based agency for delivery of services with the following responsibilities:

- a. A Local Public Health Authority which contracts for services using program funds will ensure the completion of the “OHA HIV Prevention Program Plan & Reporting Workbook” both for its agency and the subcontractor agency submitting both in a timely manner as requested by the program.
- b. LPHAs will ensure that the subcontractor's fiscal and monitoring data is submitted in a timely manner.
- c. In partnership with the state program, LPHA will identify and participate in capacity building and quality assurance activities applicable to the subcontractor.