

WAC 246-100-206 Blood-borne pathogen exposure—Local jail facilities. Jail administrators, with the approval of the local public health officer, may order blood-borne pathogen testing of a jail detainee in accordance with RCW 70.24.360, if the local health officer determines that the detainee's behavior exposed the staff, other detainees, the general public, or other persons and the exposure presents a possible risk of transmitting a blood-borne pathogen.

(1) For purpose of this section, "exposure presenting possible risk" means one or more of the activities identified in Column A of Table 1 resulting in one or more of the outcomes identified in Column B of Table 1.

TABLE 1. "Exposure Presenting Possible Risk" - One or more of the activities in Column A resulting in one or more of the outcomes in Column B

COLUMN A. Activities	COLUMN B. Outcomes
<ul style="list-style-type: none"> • Anal, oral, or vaginal intercourse without a latex or plastic condom, excluding conjugal visits; or • Physical assault; or • Sharing of injection equipment or sharp implements; or • Throwing or smearing of blood, semen, or vaginal fluid 	<ul style="list-style-type: none"> • Introduction of blood, semen, or vaginal fluids, or some combination of these, into a mucous membrane; or • A needle puncture or penetrating wound resulting in exposure to blood, semen, or vaginal fluids, or some combination of these

(2) Jail administrators may order blood-borne pathogen testing only under the following conditions:

(a) The jail administrator documents and reports to the local health officer, within seven days after the incident, any incident resulting in "exposure presenting possible risk"; and

(b) The local health officer:

(i) Determines the documented behavior or behaviors meet the criteria established in this section for behaviors presenting a "possible risk"; and

(ii) Interviews the detained person to evaluate the factual basis for alleged behavior; and

(iii) Makes a fact determination, based upon the documented behavior, the interview with the detained person, or independent investigation, or any combination of these, that sufficient factual evidence exists to support the allegation that the detainee's behavior resulted in exposure presenting possible risk of transmitting a blood-borne pathogen; and

(iv) Arranges for testing of the person who is the source of the exposure to occur within seven days of the request from the jail administrator; and

(v) Reviews with the detained person who is the source of the exposure the documentation of the behavior to try to assure understanding of the basis for blood-borne pathogen testing; and

(vi) Provides written approval of the jail administrator's order prior to blood-borne pathogen testing.

(c) The jail administrator maintains blood-borne pathogen test results and identity of the tested person as a confidential, nondisclosable record, consistent with chapter 70.02 RCW.

[Statutory Authority: RCW 43.20.050 and 70.24.130. WSR 22-06-061, § 246-100-206, filed 2/25/22, effective 3/28/22. Statutory Authority: RCW 70.24.130 and 70.24.380. WSR 05-11-110, § 246-100-206, filed 5/18/05, effective 6/18/05. Statutory Authority: RCW 70.24.380. WSR 02-12-106, § 246-100-206, filed 6/5/02, effective 7/6/02. Statutory Authority: RCW 70.24.125 and 70.24.130. WSR 99-17-077, § 246-100-206,

filed 8/13/99, effective 9/1/99. Statutory Authority: RCW 70.24.022, [70.24].340 and Public Law 104-146. WSR 97-15-099, § 246-100-206, filed 7/21/97, effective 7/21/97. Statutory Authority: RCW 43.20.050 and 70.24.130. WSR 92-02-019 (Order 225B), § 246-100-206, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. WSR 91-02-051 (Order 124B), recodified as § 246-100-206, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW. WSR 89-07-095 (Order 325), § 248-100-206, filed 3/22/89; WSR 88-21-093 (Order 322), § 248-100-206, filed 10/19/88; WSR 88-17-056 (Order 316), § 248-100-206, filed 8/17/88. Statutory Authority: RCW 43.20.050. WSR 87-11-047 (Order 302), § 248-100-206, filed 5/19/87.]