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February 23, 2018

MEMORANDUM

To: Jon Pennell, DVM, Chair
State Board of Health

From: Sandi Larson, MPH
State Epidemiologist, Nevada Division of Public and Behavioral Health

Re: Approval of CDC Guidelines for tests for bloodborne pathogens- pursuant to NRS
617.481

PURPOSE

The State of Nevada, Division of Public and Behavioral Health (DPBH) Office of Public Health Informatics and Epidemiology (OPHIE) is requesting approval from the State Board of Health approve the use of current CDC guidelines pertaining to the tests of Bloodborne Pathogens under NRS617.481- Contagious and Occupational Diseases.

STAFF REVIEW

Nevada Regulations indicate that the Board of Health is to approve the tests (NRS. 617.481 (c)) and the incubation periods (NRS. 617.481 (c) (2)) that are used for screening contagious diseases for occupational exposures. This memo is requesting the Board of Health approve the most current CDC tests for bloodborne pathogens including Human Immunodeficiency Virus (HIV), Hepatitis C and Hepatitis B (see attached for guidelines) to ensure that the most current tests and testing algorithms are being followed.

Recent advancements in testing technology for bloodborne diseases have expanded the available tests as well as allowed for earlier detection of these diseases, most notably for HIV. Adoption of these from the Board of Health would not only ensure the people of Nevada are receive most current care but would prevent the BOH from repeatedly approving new tests and guidelines.

NRS 617.481 Certain contagious diseases as occupational diseases.

1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, if a person employed in this State contracts a contagious disease during the course and scope of his or her employment that results in a temporary or permanent disability or death, the disease is an occupational disease and compensable as such under the provisions of this chapter if:

(a) It is demonstrated that the employee was exposed to the contagious disease during the course and scope of his or her employment;

(b) The employee reported the exposure to his or her employer in compliance with the reporting requirements adopted by the employer; and

(c) A test to screen for the contagious disease that is approved by the State Board of Health is administered to the employee:

(1) Within 72 hours after the date of the exposure and the employee tests negative for exposure to the contagious disease; and

(2) After the incubation period for the contagious disease, as determined by the State Board of Health, but not later than 12 months after the date of the exposure, and the employee tests positive for exposure to the contagious disease.

2. Such an employee and the dependents of the employee are excluded from the benefits of this section if:

(a) The employee refuses to be tested for exposure to the contagious disease as required by subsection 1;

(b) The employee or the dependents of the employee are eligible to receive compensation pursuant to paragraph (b) of subsection 2 of [NRS 616A.265](#) or [NRS 616C.052](#); or

(c) It is proven by clear and convincing evidence that the contagious disease did not arise out of and in the course of the employment.

3. All tests for exposure to the contagious disease that are required pursuant to subsection 1 must be paid for by the employer.

4. Compensation awarded to an employee or the dependents of the employee pursuant to this section must include:

(a) Full reimbursement for related expenses incurred for:

(1) Preventive treatment administered as a precaution to the employee; and

(2) Other medical treatments, surgery and hospitalization; and

(b) The compensation provided in [chapters 616A to 616D](#), inclusive, of NRS for the disability or death.

5. As used in this section:

(a) "Contagious disease" means hepatitis A, hepatitis B, hepatitis C, tuberculosis, the human immunodeficiency virus or acquired immune deficiency syndrome.

(b) "Exposed" or "exposure" means the introduction of blood or other infectious materials into the body of an employee during the performance of the employee's official duties through the skin, eye, mucous membrane or parenteral contact. The term includes contact with airborne materials carrying tuberculosis.

(c) "Preventive treatment" includes, without limitation, tests to determine if an employee has contracted the contagious disease to which the employee was exposed.

(Added to NRS by [2001, 827](#))

PUBLIC COMMENT RECEIVED

This does not require public comment.

STAFF RECOMMENDATIONS

To avoid having to repeatedly amend to keep up with rapidly changing technology, the recommendation is the State Board of Health approve the use of CDC testing guidelines and approved tests for the following bloodborne diseases-

- HIV, tests approved include FDA-approved antigen/antibody combination immunoassay that detects HIV-1 and HIV-2 antibodies and HIV-1 p24 antigen to screen for established infection with HIV-1 or HIV-2 and for acute HIV-1 infection;
- Hepatitis B – tests approved include FDA approved test detecting Hepatitis B surface antigen (HBsAg) HBsAg or Anti-HBs; and
- Hepatitis C, tests approved include FDA-approved test for HCV antibody should be used. Testing for HCV RNA. An FDA-approved NAT assay intended for detection of HCV RNA in serum or plasma from blood of at-risk patients who test reactive for HCV antibody should be used.

PRESENTER

Sandi Larson, MPH, State Epidemiologist, Office of Public Health Informatics and Epidemiology,
Division of Public and Behavioral Health