

201 KAR 9:315. HIV/HBV infection control for physicians.

RELATES TO: KRS 311.565, 311.601(1), (2)

STATUTORY AUTHORITY: KRS 311.565, 311.601(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the administrative regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. The purpose of this administrative regulation is to encourage and promote infection control among all Kentucky physicians.

Section 1. Definitions. (1) "HIV" means the human immunodeficiency virus.

(2) "HBV" means the hepatitis B virus.

(3) "Universal precautions" means the appropriate use of hand and skin washing, protective barriers, care in the use of and disposal of needles and other sharp instruments, and those other techniques recommended in update: universal precautions for prevention of human immunodeficiency virus, hepatitis B virus, and other blood-borne pathogens in health care settings, MMWR 37: 377, 1988, hereby incorporated by reference. A copy may be inspected or copied at the board's office during business hours.

Section 2. HIV or HBV Serostatus Determination. A physician who is HIV or HBV seropositive and "e" antigen positive, and who performs patient care procedures which pose a significant risk of transmission of HIV or HBV to patients, may seek counsel from the Kentucky Board of Medical Licensure.

Section 3. (1) The Kentucky Board of Medical Licensure may convene a review panel to:

(a) Monitor the adherence of a HIV or HBV positive physician to:

1. Universal precautions;
2. Clinical competency; and
3. Practice limitations or restrictions established by the review panel to monitor compliance with universal precautions; and

(b) Periodically evaluate the effects of the disease on the competency of the HIV or HBV positive physician.

(2) The review panel shall include the:

(a) Primary care physician of the HIV or HBV positive physician;

(b) A clinical infectious disease specialist; and

(c) An epidemiologist representing the Kentucky Department of Health Services.

(3) The Kentucky Board of Medical Licensure may appoint to the review panel professionals in addition to those specified in subsection (2) of this section.

Section 4. Disciplinary Action. Any physician who does not comply with the requirements of this administrative regulation or the limitations and restrictions established by the review panel, pursuant to administrative regulation, shall be subject to disciplinary action by the Kentucky Board of Medical Licensure as set forth in KRS 311.595.

Section 5. Confidentiality. Information obtained by the Kentucky Board of Medical Licensure pursuant to this administrative regulation is personal in nature as set forth in KRS 61.878(1)(a) and is excluded from the application of KRS 61.870 to 61.884. (20 Ky.R. 450; Am. 744; eff. 10-13-93.)