

ORP Office of Rules and Procedures	Department of Children and Family Services	
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Approved by:		

Interpretation

Applicable To: Licensed Foster Family Homes, Licensed Foster Family Homes, Licensed Group Homes, Licensed Child Care Institutions and Maternity Centers, Licensed Day Care Homes, Licensed Day Care Centers, Licensed Group Day Care Homes

Policy Citation: 402.145(a) - Foster parents and all members of the household shall provide medical evidence that they are free of communicable diseases or physical and mental conditions which affect the ability of the family to provide care.

403.22(a) - All child care and support staff shall have an initial examination which provides evidence that they are free of communicable diseases, including active tuberculosis, or physical or mental conditions which affect their ability to perform assigned duties.

404.23(a) - All staff members shall have an initial medical examination which provides evidence that they are free of communicable diseases, including active tuberculosis, or physical and mental conditions which affect their ability to perform assigned duties.

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406.9(j) - The caregivers and all members of the household shall provide medical evidence as required by Section 406.24(h) that they are free of reportable communicable disease, and, in the case of caregivers, free of physical or mental conditions which could interfere with the child care responsibilities.

406.24(h)(3) - The caregivers and assistants shall be found free of communicable diseases and shall be physically and emotionally fit to care for young children.

407.100(d) - Newly employed staff shall submit a report of a physical examination completed no more than six months prior to employment which provides evidence that they are free of communicable disease, including active tuberculosis, and physical or mental conditions that could affect their ability to perform assigned duties. This examination shall include a test for tuberculosis by the Mantoux method.

408.35(d) - The caregivers and all members of the household shall provide medical evidence that they are free of a reportable communicable disease which may be transmitted while providing child care; and, in the case of caregiver(s), that they are free of physical or mental conditions which could interfere with the child care responsibilities.

Question: Has the Department determined that a person afflicted with AIDS or ARC or having tested positive for HIV is afflicted with a Communicable disease@?

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Discussion: Studies examining transmission of HIV support the concept that HIV is not transmitted through casual contact. The major routes of transmission are through sexual contact, through contact with blood or other body fluids, and from mother to child during the birth process or via breast milk.

On the basis of available data, there is no reason to believe that HIV-infected adults will transmit HIV in the course of their normal child care duties. Therefore, asymptomatic HIV-infected adults who do not have open, uncovered skin sores or other conditions that would allow contact with their body fluids may care for children in these facilities.

The medical examinations required for the licensed facilities require the physician to determine if the individual has any physical conditions which would interfere with their child care duties. Unless the physician indicates otherwise, the person with HIV, ARC, or AIDS may be employed in a child care facility.

Persons with HIV are considered to have a disability and are protected from employment discrimination under the Americans with Disabilities Act.

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Response: Persons with HIV, ARC, or AIDS are not considered to have a Communicable disease@which would prohibit their employment in a licensed child care facility. Unless a physician indicates otherwise, the person with HIV, ARC, or AIDS may be employed in a child care facility.