



PRISONS
Health and Wellness Services
Policies and Procedures

Title	Court Ordered Sexually Transmitted Disease Testing of Offenders		
Section	A-7	Issue Date January 12, 2021	Supersedes Date February 2014
			Next Review Date January 2022

References

Performance-Based Standards and Expected Practices for Adult Correctional Institutions, 5th Edition 5-ACI-6A-12 (M); North Carolina General Statute (N.C.G.S.) 15A-615 Testing of certain persons for sexually transmitted infections; Health and Wellness Policy AD IV – 5 Offender Right to Refuse Medical Treatment

I. PURPOSE

To provide guidelines for court ordered Sexually Transmitted Disease (STD) testing and for handling refusals.

II. POLICY

(a) If the Court orders the defendant to be tested and the defendant is in the custody of the North Carolina Department of Public Safety (NCDPS), Division of Prisons (DOP), DOP staff shall upon receipt of a duly signed court order, test the defendant and report the results back to the local health director. The local health director shall ensure that the victim is informed of the results of the tests and is counseled appropriately.

(b) Authority

- (1) N.C.G. S. 15A-615 provides that a victim of non-consensual vaginal, anal, or oral intercourse or the parent, guardian, or guardian ad litem of a minor victim of the same offense(s) may request that a defendant be tested for the following sexually transmitted diseases: 1) Chlamydia; 2) Gonorrhea; 3) Hepatitis B; 4) Herpes; 5) HIV; and 6) Syphilis.
- (2) It is the responsibility of the District Attorney to petition the Court with jurisdiction over the offense to order the defendant tested.



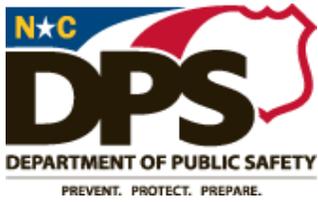
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- (3) A defendant ordered to be tested shall be tested not later than 48 hours after the date of the court order.

III. PROCEDURE

- (a) All court orders received that order testing of offenders for sexually transmitted diseases shall be sent immediately to the DOP Health and Wellness Infection Control Coordinator.
- (b) Any staff member receiving a call or inquiry about court ordered testing for sexually transmitted diseases shall refer the caller to the DPS Health and Wellness Infection Control Coordinator.
- (c) Upon receipt of any order that mandates the testing of an offender for sexually transmitted disease, the Infection Control Coordinator (ICC) will verify the validity of the order.
- (c) The ICC will then discuss the case with the facility Nurse Supervisor where the offender is housed. The ICC will fax a copy of the order to the Nurse Supervisor. This will be followed by the original copy of the order.
- (d) The Nurse Supervisor or his/her designee shall discuss the order with the offender and request that the offender voluntarily submit to the ordered test. This discussion shall not take place in the presence of other offenders.
- (e) The offender's voluntary compliance with the court order will be sought in all cases; however, offenders may not refuse sexually transmitted disease testing when ordered by a duly signed court order. If the offender refuses, compulsory testing will be performed in accordance with Health and Wellness Policy AD IV – 5 Offender Right to Refuse Medical Treatment.
- (f) As soon as the test results are available, the Nurse Supervisor shall notify and send copies of the test results to the Infection Control Coordinator/designee.



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- (g) The Infection Control Coordinator/designee shall then report the test results to the local health director in the county from which the order was received.
- (h) The offender shall be informed of the test results and appropriately counseled by the facility health care staff.
- (i) Complete and thorough documentation of all interactions, discussions, counseling, and the offender's reaction to the testing shall be documented in the Health Care Record.


 _____ 12/20/21
 Todd E. Ishee Date
 Commissioner of Prisons