

This document is a draft provided solely for the purposes of facilitating discussion at the June 7, 2011 meeting. This document IS NOT a rulemaking proposal from Cal/OSHA, or any other entity. Attachment A contains modifications that could be made to the draft of 5193.1 if alternate control measures were to be permitted for certain acts.

Attachment A: Permitting alternate measures to control risks of “oral” sex

Add to definition of exposure incident the following sentence:

“Exposure Incident” does not include oral contact with blood or OPIM-STI if the employer has met the criteria for the exception to subsection (d)(2)(E).

Add to subsection (d)(2)(E) the following exception:

Exception: Until January 1, 2016, employers may use the following alternate procedures in lieu of using condoms or other barrier protection to prevent oral contact with the blood or OPIM-STI of another person:

1. Adopt into the exposure control plan the alternate procedures to be used. These measures shall include the employer’s engineering and work practice controls, procedures for use of personal protective equipment, and any other measures used to reduce the risk of transmission of bloodborne pathogens and other sexually transmitted pathogens.
2. Each exposed individual must have either completed the hepatitis B vaccine series or be current in receiving the vaccine doses.
3. Each exposed individual must have been medically evaluated for the purpose of these alternate procedures by a consortium PLHCP in accordance with subsection (e)(6), and must have a current physician’s opinion permitting oral contact without barrier protection.

Add to subsection (d)(4)(F) the following exception:

Exception: Until January 1, 2016, personal protective equipment need not be used for contact of the mouth with OPIM-STI if the employer complies with the conditions of the exception to subsection (d)(2)(E).

Add subsection (e)(7) to medical services:

(7) Medical surveillance requirements for alternate control measures.

(A) The employer shall ensure that each potential source individual that will not use barrier protection as described in the exception to subsection (d)(2)(E) is provided with a pre-exposure evaluation that includes the following services:

1. Provision of HBV and HPV vaccine, unless the employee is already fully vaccinated, or another dose is not indicated at that time.
2. Testing of the blood by DNA PCR for HIV virus
3. Testing of urine and by swab of the pharynx, anus and vagina for Chlamydia and gonorrhea
4. Physical examination for signs of STIs

(B) The services described in subsection (f)(6)(A) shall be provided within the two week period immediately preceding the activity.

(C) The PLHCP that performs or supervises these surveillance activities shall provide the individual with a written opinion that includes the following:

1. The procedures described in subsection (e)(6)(A) were completed.
2. The date of the evaluation
3. Whether there are any limitations on the individual's activities in relation to subsection (d)(2)(E).