

**WAC 246-100-205 Blood-borne pathogen exposure—Occupation settings other than jail and corrections settings.** A person who has experienced an exposure to another person's bodily fluids in a manner that presents a possible risk of transmission of blood-borne pathogens, and who is exposed while engaged in a category of employment determined to be at risk of substantial exposure to blood-borne pathogens, may ask a state or local health officer to order testing for blood-borne pathogens of the person who was the source of the bodily fluids in accordance with RCW 70.24.340.

(1) Substantial exposure that presents a possible risk of transmission, and is therefore substantial, is limited to:

(a) A physical assault upon the exposed person involving blood, semen, or vaginal fluid;

(b) Intentional, unauthorized, nonconsensual use of needles or sharp implements to inject or mutilate the exposed person; or

(c) An accidental parenteral or mucous membrane or nonintact skin exposure to blood, semen, or vaginal fluids.

(2) The alleged exposure must have occurred on the job while the person was employed or acting as an authorized volunteer in one of the following employment categories that are at risk of substantial exposure to blood-borne pathogens:

(a) Law enforcement officer;

(b) Firefighter;

(c) Health care provider;

(d) Staff of health care facilities;

(e) Funeral director;

(f) Embalmer; or

(g) Persons licensed to perform body art, body piercing, and tattooing under chapter 18.300 RCW.

(3) The state or local health officer shall:

(a) Determine whether the alleged exposure meets the criteria established in this section for substantial exposure that presents a possible risk of transmission, and, if criteria are met, notify and arrange for testing of the person who is the source of the exposure in accordance with RCW 70.24.340; and

(b) Ensure that records related to blood-borne pathogen testing ordered by the health officer are maintained only by the ordering health officer or authorized representative.

(4) The health officer, as a precondition for ordering counseling and testing of the person who was the source of the exposure, may require that the exposed individual agree to be tested for blood-borne pathogens if the health officer determines testing is appropriate.

(5) This section does not apply to the department of corrections or to inmates in its custody or subject to its jurisdiction.

[Statutory Authority: RCW 43.20.050 and 70.24.130. WSR 22-06-061, § 246-100-205, filed 2/25/22, effective 3/28/22. Statutory Authority: RCW 70.24.130 and 70.24.380. WSR 05-11-110, § 246-100-205, filed 5/18/05, effective 6/18/05.]