

31. Steven Eisenstat, The HIV Infected Health Care Worker : The New AIDS Scapegoat, Rutgers Law Review, Vol. 44 : 301-333, 1992.

This article examines two proposals which have been advanced for protecting patients from infection by their health care workers (HCWs) : one requires that all HIV positive HCWs reveal that status to their patients or licensing authorities and then refrain from performing certain invasive procedures; and another requires that all HCWs who perform invasive procedures be periodically tested for the virus, with those testing positive being prohibited from performing invasive procedures. My conclusion is that based upon the current data, the risk of transmission of the virus from HCW to patient is exceedingly slight. I also suggest that there are significant flaws with the proposals to restrict infected HCWs' practice and to compel testing of all HCWs who perform invasive procedures. For these reasons, I conclude that neither proposal represents sound public health policy.

Given the overwhelming public support for some limitations, however, and the need to encourage public confidence in our public health officials and the manner in which they are dealing with the AIDS epidemic, political reasons, rather than public health concerns, may dictate that some limited form of restrictions be implemented.