

# Volunteering for Smallpox Vaccination: Information for Health Care Workers

A Joint Statement from Lambda Legal, amfAR, and the Gay and Lesbian Medical Association

As you may know, the federal government is planning to offer smallpox vaccinations to half a million health care workers over the next few months. The smallpox vaccine contains a live virus called *vaccinia*, which can cause life-threatening conditions in a small portion of the people who receive it. Because the risk of complications is greater for people with impaired immune systems, the Centers for Disease Control and Prevention has advised people living with HIV or AIDS (or who live with people who are HIV-positive) **not** to be vaccinated unless there is a terrorist attack.

If you are a health care worker and you or someone you live with is HIV-positive, or if you think you or they might be HIV-positive, you should consider how best to protect yourself and them — both medically and legally — during the vaccination campaign. The decisions that you make, including whether or not to be vaccinated and whether or not to disclose your or their HIV status to your employer, are deeply personal, and do not lend themselves to easy answers. When making these decisions, it is best to consult with your treating physician and an attorney. With that in mind, here is some general information to assist you in dealing with issues raised by vaccination.

**IF YOU DO NOT KNOW YOUR HIV STATUS, YOU SHOULD GET TESTED.**

Due to the potential dangers, you probably don't want to receive the smallpox vaccination if you or someone

you live with is HIV-positive. It may save your life and theirs if you both learn your statuses before you volunteer to be vaccinated. Do **not** get tested at your place of work, however. Go to an anonymous or confidential testing center.

**REMEMBER: VACCINATION IS VOLUNTARY.**

Although the government is asking many "front line" health care workers to volunteer for vaccination, no one is being forced to receive the vaccine. It's up to you. Even if you may feel pressured by your employer or coworkers to volunteer, you have the right to say no. In fact, if you or someone you live with is HIV-positive or has an otherwise compromised immune system, you **should** say no because that is what medical authorities recommend.

**IF YOU DECLINE TO VOLUNTEER FOR VACCINATION, YOU DO NOT HAVE TO DISCLOSE YOUR HIV STATUS OR THE HIV STATUS OF THE PEOPLE WITH WHOM YOU LIVE. IN FACT, DISCLOSURE OF HIV STATUS MAY NOT BE A GOOD IDEA.**

Because many of your coworkers may be volunteering for vaccination, you might feel that you have to reveal your HIV status in order to justify your unwillingness to volunteer. That's not true. You do not need to disclose your HIV status. You don't need to give **any** reason for declining to participate in the vaccination program. If you want say something, you can honestly say — as many health care workers are expected to say

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— that you don't want to take the risks involved in vaccination. No further explanation is necessary.

If you do disclose your HIV status to your employer, you may be protected from discrimination and improper breaches of confidentiality by certain state and federal laws, including the Americans with Disabilities Act. However, you should not assume that your employer is bound by, or will comply with these laws. Additionally, even if you are covered by these laws, HIV-positive health care workers do not always prevail in discrimination lawsuits.

In short, revealing your HIV status is a step you may not want to take. And it's one you don't have to take in order to decline participation in the smallpox vaccination program.

**IF YOU ARE HIV-POSITIVE, YOU MAY NEED TO TAKE ADDITIONAL STEPS TO PROTECT YOURSELF, BOTH MEDICALLY AND LEGALLY.**

Even if they do not themselves get vaccinated, it may be wise for HIV-positive healthcare workers to take additional precautions, including avoiding close contact with coworkers who have been recently vaccinated during the brief period (usually about 14 days) during which a vaccinated individual may be contagious. You should consult your doctor and an attorney to determine what is best in your particular situation.

**FOR MORE INFORMATION:**

Visit the CDC's web site at [www.bt.cdc.gov/agent/smallpox/index.asp](http://www.bt.cdc.gov/agent/smallpox/index.asp) or

Contact Lambda Legal, (212) 809-8585



**Lambda Legal** is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgendered people, and people with HIV or AIDS through impact litigation, education, and public policy work.

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