**This is a template for an HIV (human immunodeficiency virus) preemployment testing declination form. You may modify this template to meet local needs, and MTAS recommends that your city attorney review this form before you use it.**

**HIV Testing Declination Form**

HIV (human immunodeficiency virus) is a virus that attacks the body’s immune system and, if not treated, it can lead to AIDS (acquired immunodeficiency syndrome). HIV is usually spread when someone comes into contact with body fluids from an infected person. As an emergency rescue worker, you could experience an occupational exposure to body fluids that could be infected with the human immunodeficiency virus.

Tennessee law (T.C.A. § 7-51-209) provides a rebuttable presumption that any emergency rescue worker who suffers a condition or impairment of health that is caused by the human immunodeficiency virus, and that results in total or partial disability or death shall be presumed to have a disability suffered in the line of duty, unless the contrary is shown by a preponderance of the evidence that the exposure did not occur elsewhere. Testing for HIV as part of the preemployment medical examination can establish that you were free of the human immunodeficiency virus at the time of testing. In order to be entitled to the presumption established by state law, the test must be negative for evidence of the human immunodeficiency virus.

The <name of employer> offers voluntary preemployment testing for the human immunodeficiency virus at no charge to the applicant as part of the preemployment physical examination. You are free to decline this testing, and if you decline, it will not affect your status as a potential employee.

I understand that due to the possibility of occupational exposure to body fluids or other potentially infectious materials I may be at risk of acquiring HIV (human immunodeficiency virus) infection. I have been given the opportunity to be tested for the human immunodeficiency virus at no charge to myself. However, I decline the human immunodeficiency virus testing at this time. I understand that by declining this testing I may not be entitled to the presumption established by state law if I later contract HIV. If in the future I continue to have occupational exposure to body fluids or other potentially infectious materials and I want to be tested for HIV, I can receive the testing at no charge to me.

Applicant Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_