

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
POLICY STATEMENT INTERPRETING THE TERM

“INFECTIOUS, COMMUNICABLE OR CONTAGIOUS DISEASE”

The Bureau of Professional and Occupational Affairs (Bureau) and its 29 licensing Boards are committed to strict compliance with Title II of the Americans with Disabilities Act (ADA), which prohibits discrimination against qualified individuals on the basis of disability. At this time, a number of professional and occupational licensure laws administered by the Bureau and its Boards either prohibit the licensure of individuals with infectious, communicable or contagious diseases, or permits licensees to be disciplined for practicing one’s profession or occupation when the licensee knows he or she has an infectious, communicable or contagious disease. Some communicable diseases result in disabilities protected by the ADA. Therefore, the Bureau, in accordance with the ADA and guidance from the United States Department of Justice, has determined that, for the purposes of administering the professional and occupational licensing laws over which it or any of its 29 licensing Boards have jurisdiction, the terms “infectious disease,” “communicable disease” or “contagious disease” do not include diseases, such as HIV, that are not transmitted through casual contact or through the usual practice of the profession or occupation for which a license is required.