

**TITLE 64
INTERPRETIVE RULES
DEPARTMENT OF HEALTH
SERIES 39
LABORATORY EXAMINATIONS BY STATE HYGIENIC LABORATORY**

§64-39-1. General.

1.1. Scope - These interpretive rules establish the types of cases for which specimens will be accepted by the state hygienic laboratory.

1.2. Authority - W. Va. Code §16-1-7 and §16-1-11

1.3. Filing Date - November 28, 1967

1.4. Effective Date - December 29, 1967

§64-39-2. Application and Enforcement

2.1. Application - These interpretive rules apply to the state hygienic laboratory and any person seeking utilization of the state hygienic laboratory services.

2.2. Enforcement - The enforcement of these interpretive rules is vested with the director of the West Virginia department of health or his lawful designee.

§64-39-3. Types of Cases Accepted by the State Hygienic Laboratory.

All work done by the state hygienic laboratory shall be done free of charge. Specimens for laboratory examination by the state hygienic laboratory shall be accepted from the following types of cases only:

3.1. Indigent cases, or those unable to pay laboratory fees.

3.2. Specimens submitted by public health agencies or state eleemosynary institutions.

3.3. Laboratory diagnostic service for industries shall be carried on by the state department of health only in the following cases:

3.3.1. Survey - If the federal or state public health agency deems it advisable to obtain an index of the incidence of disease, or to carry on a case finding

program, in a given industrial group; or

3.3.2. Laboratory service aiding diagnosis or control of communicable diseases - If the industry requesting such service agrees to follow up all cases detected according to the principles of public health communicable disease control. The industrial agency involved shall sign an agreement with the state department of health that it will: (a) conduct such measures as are in effect in the public health agencies of the state, and as are recommended by the United States public health service for control of communicable diseases in industry; and (b) not discharge from service or employment venereal disease cases who will take adequate treatment, unless the examining physician feels that an individual case, regardless of treatment, may, because of his infirmity, become a permanent hazard to himself or his associates.

3.4. Specimens from any communicable disease shall be accepted from any physician, regardless of the economic status of the patient.

3.4.1. If the physician deems it advisable to have a complete syphilis serological study or other laboratory examination of a given case, following previous discrepancies in clinical and/or laboratory studies; such requests should be accompanied by a brief statement of the previous laboratory and/or clinical findings in the specific case.

3.4.2. If suitable laboratory examinations of the type requested are not readily available elsewhere in the state.

3.5. No specimens shall be accepted except from a physician, dentist, veterinarian, or public or private health organization. No report will be issued to any person or agency other than the sender of the specimen and his health officer unless the sender authorizes the laboratory to report to some other specified person or agency.