



**WEST VIRGINIA  
SECRETARY OF STATE**

**NATALIE E. TENNANT**

**ADMINISTRATIVE LAW DIVISION**

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8/26/2016 12:25:14 PM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE  
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY **Health**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE No TITLE-SERIES **64-**

RULE NAME **Expedited Partner Therapy** **103**

CITE AUTHORITY § 16-4F-5

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**

**Melanie A Pagliaro -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 64-103



Rule Id: 10218



Document: 28896



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**FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)**

AGENCY	Health				
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	No	TITLE-SERIES	64-
RULE NAME	Expedited Partner Therapy				103

CITE AUTHORITY § 16-4F-5

**PRIMARY CONTACT**

Brian J. Skinner, BPH General Counsel  
350 Capitol Street Room 702

Charleston, STATE ZIP

**SECONDARY CONTACT**

Melanie A. Pagliaro, OCS  
One Davis Square  
Suite 100, East  
Charleston, STATE SECONDARY ZIP SECONDARY

Melanie A Pagliaro -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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**FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)**

AGENCY	<b>Health</b>				
RULE TYPE	<b>Legislative</b>	<b>AMENDMENT TO EXISTING RULE</b>	<b>No</b>	<b>TITLE-SERIES</b>	<b>64-103</b>
RULE NAME	<b>Expedited Partner Therapy</b>				

CITE AUTHORITY § 16-4F-5

AUTHORIZING STATUTE(S) CITATION  
§ 16-4F-5

DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING OR PUBLIC COMMENT PERIOD  
Friday, July 08, 2016

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?  
None

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED  
Sunday, August 07, 2016

Melanie A Pagliaro -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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**FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 2)**

AGENCY	<b>Health</b>				
RULE TYPE	<b>Legislative</b>	<b>AMENDMENT TO EXISTING RULE</b>	<b>No</b>	<b>TITLE-SERIES</b>	<b>64-103</b>
RULE NAME	<b>Expedited Partner Therapy</b>				

CITE AUTHORITY § 16-4F-5

ATTACH LIST OF PERSONS WHO APPEARED AT HEARING, COMMENTS RECEIVED, AMENDMENTS, REASONS FOR AMENDMENTS.

**Attached**

DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE FOLLOWING PUBLIC HEARING: (BE EXACT)

**Friday, August 26, 2016**

**Melanie A Pagliaro -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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**FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 3)**

AGENCY	Health				
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	No	TITLE-SERIES	64-103
RULE NAME	Expedited Partner Therapy				

CITE AUTHORITY § 16-4F-5

IF THE STATUTE UNDER WHICH YOU PROMULGATED THE SUBMITTED RULES REQUIRES CERTAIN FINDINGS AND DETERMINATIONS TO BE MADE AS A CONDITION PRECEDENT TO THE PROMULGATION. GIVE THE DATE UPON WHICH YOU FILED IN THE STATE REGISTER A NOTICE OF THE TIME AND PLACE OF A HEARING FOR THE TAKING OF EVIDENCE AND A GENERAL DESCRIPTION OF THE ISSUES TO BE DECIDED.

Melanie A Pagliaro -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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**FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 4)**

AGENCY **Health**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **No** TITLE-SERIES **64-**

RULE NAME **Expedited Partner Therapy** **103**

CITE AUTHORITY **§ 16-4F-5**

DATE OF HEARING OR COMMENT PERIOD

ON WHAT DATE DID YOU FILE IN THE STATE REGISTER THE FINDINGS AND DETERMINATIONS  
REQUIRED TOGETHER WITH THE REASONS THEREFOR?

ATTACH FINDINGS AND DETERMINATIONS AND REASONS

**None**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**

**Melanie A Pagliaro -- By my signature, I certify that I am the person authorized to file legislative rules, in  
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 64-103



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)**

AGENCY	Health				
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	No	TITLE-SERIES	64-
RULE NAME	Expedited Partner Therapy				103

CITE AUTHORITY § 16-4F-5

**PRIMARY CONTACT**

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350 Capitol Street Room 702

Charleston, STATE ZIP

**SECONDARY CONTACT**

Melanie A. Pagliaro, OCS  
One Davis Square  
Suite 100, East  
Charleston, STATE SECONDARY ZIP SECONDARY

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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)**

AGENCY	Health				
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	No	TITLE-SERIES	64-103
RULE NAME	Expedited Partner Therapy				

CITE AUTHORITY § 16-4F-5

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

**The rule will have no fiscal impact on the state.**

Melanie A Pagliaro -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 64-103



Rule Id: 10218



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)**

AGENCY **Health**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE No TITLE-SERIES **64-103**  
RULE NAME **Expedited Partner Therapy**

CITE AUTHORITY **§ 16-4F-5**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
<b>ESTIMATED TOTAL COST</b>	<b>0.00</b>		<b>0.00</b>
<b>PERSONAL SERVICES</b>			
<b>CURRENT EXPENSES</b>			
<b>REPAIRS AND ALTERATIONS</b>			
<b>ASSETS</b>			
<b>OTHER</b>			
<b>ESTIMATED TOTAL REVENUES</b>	<b>0.00</b>		<b>0.00</b>

Melanie A Pagliaro -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)**

AGENCY	Health				
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RULE NAME	Expedited Partner Therapy				

CITE AUTHORITY § 16-4F-5

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

None

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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)**

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CITE AUTHORITY § 16-4F-5

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

NA

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

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**FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)**

AGENCY	Health				
RULE TYPE	Legislative	AMENDMENT TO EXISTING RULE	No	TITLE-SERIES	64-103
RULE NAME	Expedited Partner Therapy				

CITE AUTHORITY § 16-4F-5

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Brief Summary of Rule: This is a new rule series designates certain diseases as sexually transmitted diseases for the purposes of treatment by expedited partner therapy. Expedited partner therapy or EPT means prescribing, dispensing, furnishing or otherwise providing prescription antibiotic drugs to the sexual partner or partners of a person clinically diagnosed as infected with a sexually transmitted disease without physical examination of the partner or partners.

Statement of Circumstances: This new legislative rule is mandated by S.B. 123 (2016 RS), which requires the Secretary of the DHHR to propose rules to designate certain diseases as sexually transmitted diseases which may be treated by expedited partner therapy. In developing the rules, the DHHR must consider the recommendations and classifications of the federal Department of Health and Human Services, Centers for Disease Control and Prevention and other nationally recognized medical authorities in making the required designations.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Melanie A Pagliaro -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 64-103



Rule Id: 10218



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TITLE 64  
LEGISLATIVE RULE  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BUREAU FOR PUBLIC HEALTH

SERIES 103  
EXPEDITED PARTNER THERAPY

**§64-103-1. General.**

1.1. Scope. -- This rule series designates certain diseases as sexually transmitted diseases for the purposes of treatment by expedited partner therapy.

1.2. Authority. -- W. Va. Code § 16-4F-5.

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Sunset Date. -- This rule will sunset 5 years from effective date.

1.6. Applicability. – This rule series applies to a health care professional who makes clinical diagnosis of a sexually transmitted disease and who desires to provide expedited partner therapy for the treatment of the sexually transmitted disease.

1.7. Purpose -- This rule series is intended to implement the provisions of W.Va. Code §§ 16-4F-1 et seq. by designating certain diseases as sexually transmitted diseases which may be treated by expedited partner therapy.

**§64-103-2. Definitions.**

2.1. “Expedited partner therapy” or “EPT” means prescribing, dispensing, furnishing or otherwise providing prescription antibiotic drugs by a health care professional to the sexual partner or partners of a person clinically diagnosed as infected with a sexually transmitted disease without physical examination of the partner or partners.

2.2. “Health care professional” means:

2.2.a. An allopathic physician licensed pursuant to W.Va. Code §§ 30-3-1 et seq.;

2.2.b. An osteopathic physician licensed pursuant to W.Va. Code §§ 30-14-1 et seq.;

2.2.c. A physician assistant licensed pursuant to W.Va. Code § 30-3E-4;

2.2.d. An advanced practice registered nurse authorized with prescriptive authority pursuant to *W.Va. Code* § 30-7-15a; or

2.2.e. A pharmacist licensed pursuant to *W.Va. Code* §§ 30-5-1 *et seq.*

**§64-103-3. Designation of sexually transmitted diseases.**

Sexually transmitted diseases that may be treated by a health care professional with expedited partner therapy include the following clinically diagnosed sexually transmitted infections:

3.1. *Chlamydia trichomatis* (chlamydia); and

3.2. *Neisseria gonorrhoea* (gonorrhoea).

•