



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

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

AGENCY: Health TITLE-SERIES: 64-103
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No
RULE NAME: 64-103 Expedited Partner Therapy

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: 16-4F-5

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

N/A

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

N/A

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule series designates certain diseases as sexually transmitted diseases for the purposes of treatment by expedited partner therapy. There are no proposed changes to the rule other than the extension of the sunset date.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

The statutory authority for the rule is still in effect and the Department of Health and Human Resources remains responsible for its implementation.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

N/A

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

N/A

C. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

N/A

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2021 Increase/Decrease (use "-")	2022 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			0
Personal Services			0
Current Expenses			0
Repairs and Alterations			0
Assets			0
Other			0
2. Estimated Total Revenues			0

E. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

April L Robertson -- 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 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. -- ~~May 22, 2017.~~

1.4. Effective Date. -- ~~June 1, 2017.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on ~~June 1, 2022~~ August 1, 2027.

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 gonorrhea (gonorrhea).