

WEST VIRGINIA DEPARTMENT OF HEALTH
PROMULGATION HISTORY ABSTRACT

TITLE: Requirement for Laboratories to Report Positive or Reactive Serologic and Other Tests for Syphilis and Positive Laboratory Examinations for Neisseria Gonorrhoea to the State Department of Health; 16-1, Series VI, (1983)

RULE TYPE: Legislative

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FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 4/8/83
Administrative Law Division



L. Clark Hansbarger, M.D.
Director of Health

Entered

WEST VIRGINIA LEGISLATIVE RULES
BOARD OF HEALTH

Requirement for Laboratories to Report Positive or
Reactive Serologic and Other Tests for Syphilis and
Positive Laboratory Examinations for Neisseria Gonorrhoea
to the State Department of Health

Chapter 16-1
Series 6
(1983)

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Subject: Requirement for Laboratories to Report Positive or Reactive Serologic and Other Tests for Syphilis and Positive Laboratory Examinations for Neisseria Gonorrhoea to the State Department of Health

Section 1. General

1.1. Scope - These legislative rules establish the requirements for Laboratories to report positive or reactive serologic and other tests for syphilis and positive laboratory tests for neisseria gonorrhoea.

1.2. Authority - These legislative rules are issued under the authority of and related to Chapter 16, Article 1, Section 7(5) of the West Virginia Code, 1931 as amended.

1.3. Filing Date - These legislative rules were promulgated on the 17th day of November, 1981; and filed on the 8th day of April, 1983, in the Secretary of State's Office.

1.4. Effective Date - These legislative rules became effective on the 9th day of May, 1983.

Section 2. Supersession or Repeal of Former Regulations

2.1. These legislative rules amend and repeal State Board of Health Administrative Regulations Chapter 2, Article 4, Section 1 "Requirements for Laboratories to Report Reactive Serologic and other tests for Syphilis to the State department of health."

Section 3. Application and Enforcement

3.1. Application - These legislative rules apply to all laboratories in West Virginia that perform serologic or other tests for syphilis or smears, cultures or other tests for neisseria gonorrhoea.

3.2. Enforcement - Enforcement of these legislative rules is vested with the director of the West Virginia department of health or his lawful designee.

Section 4. Reporting Requirements

4.1. Supervisors of all laboratories in West Virginia that perform serologic or other tests for syphilis or that perform smears, cultures or other tests for neisseria gonorrhoea shall make a report of all positive or reactive laboratory tests for syphilis or neisseria gonorrhoea to the director of the West Virginia department of health on forms provided for the purpose as follows:

4.1.1. Syphilis Tests

4.1.1.1. All reactive and weakly reactive (doubtful) serologic tests for syphilis.

4.1.1.2. All reactive and weakly reactive (doubtful) spinal fluid serologic tests for syphilis.

4.1.1.3. All positive darkfield microscopic tests for treponema pallidum.

4.1.2. Neisseria Gonorrhoea

4.1.2.1. All positive culture examinations for gonorrhoea.

4.1.2.2. All positive smears for gonorrhoea.

4.1.2.3. All other laboratory test results indicative of gonorrhoea.

- 4.2. These reports shall include:
 - 4.2.1. The name of the laboratory.
 - 4.2.2. The name of the test, the date performed, and the result.
 - 4.2.3. The name and location of the physician who submitted the specimen.
 - 4.2.4. The name of the patient, and (if available) the sex, age, and address.
 - 4.2.5. The signature of the supervisor of the laboratory.
- 4.3. Reports of the above named laboratory tests shall be submitted on the 1st and 15th of each month, except positive darkfield tests and positive cultures where penicillinase producing *N. gonorrhoea* (PPNG) is isolated shall be submitted within 24 hours.
- 4.4. If no reportable tests are performed during any reporting period, a statement to this effect shall be submitted by the supervisor of the laboratory.
 - 4.4.1. The West Virginia director of health or his authorized representatives shall work through the patient's physician in any follow-up of the aforementioned reports of positive laboratory tests.
 - 4.4.2. The reports of all positive tests submitted in compliance with these rules and regulations are hereby declared to be confidential and not public records and such information shall not be used except as is necessary to enforce venereal disease laws and regulations.

Section 5. Administrative Due Process - Those persons adversely affected by the enforcement of these legislative rules desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so

in a manner prescribed in the West Virginia Procedural Rules, Board of Health, Chapter 16-1, Series I, 1981, Rules of Procedure for Contested Case Hearings and Declaratory Rulings. The aforementioned procedural rules are incorporated herein by reference.

Section 6. Severability - If any provisions of these rules or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of these rules which can be given without the invalid provisions or application, and to this end the provisions of these rules are declared to be severable.

Section 7. Penalty for Violating Provisions of Regulations - Any person violating any of the provisions of these regulations shall be punishable by a fine of not more than two hundred dollars or by imprisonment for not more than thirty days, or both.