

**TITLE 64  
LEGISLATIVE RULE  
DEPARTMENT OF HEALTH**

**SERIES 6  
REQUIREMENT FOR LABORATORIES TO REPORT  
POSITIVE OR REACTIVE SEROLOGIC AND OTHER TESTS FOR  
SYPHILIS AND POSITIVE LABORATORY EXAMINATIONS FOR NEISSERIA  
GONORRHEA TO THE STATE DEPARTMENT OF HEALTH**

**§64-6-1. General.**

1.1. Scope. -- These legislative rules establish the requirements for syphilis and positive laboratory tests for neisseria gonorrhoea.

1.2. Authority. -- W. Va. Code §16-1-7(5).

1.3. Filing Date. -- April 8, 1983.

1.4. Effective Date. -- May 9, 1983.

**§64-6-2. 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."

**§64-6-3. 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.

**§64-6-4. 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.

**§64-6-5. Administrative Due Process.**

5.1. 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 1, 1981 Rules of Procedure for Contested Case Hearings and Declaratory Rulings. The aforementioned procedural rules are incorporated herein by reference.

**§64-6-6. Severability.**

6.1. 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.

**§64-6-7. Penalty for Violating Provisions of Regulations.**

7.1. Any person violating any of the provisions of these regulations shall be punishable by a fine of not more than two hundred dollars (\$200) or by imprisonment for not more than thirty (30) days, or both.

John D. Rockefeller IV  
Governor



L. Clark Hansbarger, M.D.  
Director

# State of West Virginia

DEPARTMENT OF HEALTH  
CHARLESTON 25305

## Notice

Legislative Rule: 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 VI (1983)

The attached Board of Health legislative rule 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, is hereby filed with the Secretary of State in compliance with the provisions of Chapter 29A, Article 2, Section 6 of the West Virginia Code of 1931, as amended.

This rule was authorized by Senate Bill 356, Section 64-2-16(1)(7)(b), passed March 9, 1983, effective from passage.

A handwritten signature in cursive script, appearing to read "L. Clark Hansbarger".

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

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE

4/8/83

Administrative Law Division

Entered

OFFICE OF THE DIRECTOR  
CHARLESTON, WEST VIRGINIA 25305