

John D. Rockefeller IV
Governor



L. Clark Hansbarger, M.D.
Director

State of West Virginia


DEPARTMENT OF HEALTH
CHARLESTON 25305

NOTICE OF PUBLIC HEARING

Pursuant to Section eight, Article three, Chapter twenty-nine-A of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, the Regulatory Services Program of the West Virginia Department of Health shall convene a public hearing at 10:00 A.M. on Monday, December 21, 1981 in the Conference Room of the West Virginia Department of Health, Room 522, 1800 Washington Street, East, Charleston, West Virginia for the purpose of taking evidence pertaining to the filing of the Requirements 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.

Any citizen or other interested party may appear in person to present evidence. Any citizen or other interested party may submit written evidence to the West Virginia Department of Health, Regulatory Services Program, Room 416, 1800 Washington Street, East, Charleston, West Virginia 25305 not later than 5:00 P.M. Monday, December 21, 1981.

The issues to be heard shall be limited to the actual information contained in the above mentioned proposed regulation. Copies of the regulation may be obtained from the Regulatory Services Program, address heretofore appearing or by telephoning 304-348-2411.


L. Clark Hansbarger, M.D.
Director

Entered November 17, 1981

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

THIS DATE 11-17-81
Administrative Law Division

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

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
BOARD OF HEALTH

Chapter 16-1
Series VI
1981

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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

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

1.02. Authority - These regulations are issued under the authority of Chapter 16, Article I, Section 7 of the West Virginia Code, 1981 as amended.

1.03. Filing Date - These regulations are promulgated on the _____ day of _____, _____; and filed and received on the _____ day of _____, _____, with the Secretary of State's Office.

1.04. Effective Date - These regulations become effective on the _____ day of _____, _____.

Section 2. Supersession or Repeal of Former Regulations

2.01. These regulations 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

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

3.02. Enforcement - Enforcement of these regulations is vested in the Director of the State Health Department or his designee.

Section 4. Reporting Requirements.

4.01. 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 West Virginia State Director, Department of Health, on forms provided for the purpose as follows:

4.01.01. Syphilis Tests

01. All reactive and weakly reactive (doubtful) serologic tests for syphilis.
02. All reactive and weakly reactive (doubtful) spinal fluid serologic tests for syphilis.
03. All positive darkfield microscopic tests for treponema pallidum.

4.01.02. Neisseria Gonorrhoea

01. All positive culture examinations for gonorrhoea.
02. All positive smears for gonorrhoea.
03. All other laboratory test results indicative of gonorrhoea.

4.02. These reports shall include:

01. The name of the laboratory.
02. The name of the test, the date performed, and the result.

03. The name and location of the physician who submitted the specimen.
04. The name of the patient, and (if available) the sex, age, and address.
05. The signature of the supervisor of the laboratory.

4.03. 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.

4.04. If no reportable tests are performed during any reporting period, a statement to this effect shall be submitted by the supervisor of the laboratory.

01. The State 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.
02. 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 affected persons desiring a public hearing shall do so in a manner prescribed in and by the West Virginia Rules of Procedure, West Virginia State Department of Health, Chapter 16-1, Series I and further identified as Rules of Procedure for Contested Case Hearings and Declaratory Rulings.

The aforementioned rules of procedure are incorporated by reference.

Section 6. Severability

If any provision of these regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or applications of these regulations which can be given without the invalid provisions or application, and to this end the provisions of these regulations 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.

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

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