

APA-1
11/96

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-4-1-.14

Rule Title Testing Of Pregnant Women For Sexually Transmitted Diseases

 New Amend XXXX Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of Certifying Officer *Patricia Stone* Date 6/16/2014



FORM APA2
11/96

STATE BOARD OF HEALTH
NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Public Health

RULE NUMBER AND TITLE: 420-4-1-.14, Testing Of Pregnant Women For Sexually Transmitted Diseases

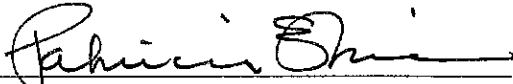
INTENDED ACTION: Repeal of Rule 420-4-1-.14

SUBSTANCE OF PROPOSED ACTION: To repeal Rule 420-4-1-.14 since current guidance is provided by American College of Obstetricians and Gynecologists.

TIME, PLACE, AND MANNER OF PRESENTING VIEWS: A public hearing will be held at 9:00 a.m. July 29, 2014, at the Alabama Department of Public Health, RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENTS AND COMPLETION OF NOTICE: Written or oral comments will be received until the close of the record at 5:00 p.m. on August 4, 2014. All comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Sherri Davidson, Analysis and Reporting Branch Manager, Epidemiology Division of the Bureau of Communicable Disease, Department of Public Health, 201 Monroe Street, Suite 1460, Montgomery, Alabama 36104. Telephone number (334) 206-2050.


Patricia E. Ivie, Agency Secretary

420-4-1-.14 Testing Of Pregnant Women For Sexually Transmitted Diseases. (Repealed)

~~(1) Practitioners attending a pregnant woman shall test her at her initial prenatal visit for syphilis, using a nontreponemal serologic test, and for HIV infection, unless she is already confirmed to be infected with HIV, since said individual's medical care may be modified by the presence or absence of HIV infection. Practitioners shall also test a pregnant woman at her initial prenatal visit for chlamydia and gonorrhea if she is 24 years of age or younger; or if 25 years of age or older, she is unmarried or has one or more risk factors. Risk factors include, but are not limited to, a history of:~~

~~(a) multiple sex partners or an at-risk sex partner during the pregnancy;~~

~~(b) a sexually transmitted disease during the pregnancy;~~

~~(c) use of illicit drugs; or~~

~~(d) exchanging sex for money or drugs.~~

~~(2) If a pregnant woman first presents for care at the time of delivery, practitioners shall test her for syphilis, using a nontreponemal serologic test; and for HIV infection, unless she is already confirmed to be infected with HIV, since said individual's medical care may be modified by the presence or absence of HIV infection. Practitioners shall also test her for chlamydia and gonorrhea, if clinically feasible.~~

~~(3) Refusal of a pregnant woman not previously confirmed to be infected with HIV to permit testing for HIV infection, despite pre-test counseling, shall be documented in the medical record. A woman who declined testing earlier in her pregnancy shall again be offered testing for HIV infection at the third trimester and/or at the time of delivery.~~

~~(4) Practitioners shall test a pregnant woman at the time of delivery for syphilis, using a nontreponemal serologic test. Practitioners shall also obtain a nontreponemal serologic test for syphilis from a pregnant woman at the beginning of the third trimester (28 weeks' gestation), if she has one or more risk factors listed above.~~

~~(5) For a pregnant woman tested negative at her initial prenatal visit, practitioners shall obtain another test for HIV~~

~~infection during the third trimester and/or at the time of delivery, if she has one or more risk factors listed above.~~

~~(6) Practitioners shall obtain another test for chlamydia and gonorrhea from a pregnant woman during the third trimester, if she has one or more risk factors listed above.~~

~~(7) Practitioners shall use only those tests for sexually transmitted diseases/infections licensed by the FDA. Test results for HIV infection shall be confirmed before the patient is notified of her results, except in the following circumstance. To aid the decision to initiate antiretroviral prophylaxis to protect the baby, a rapid test for HIV infection shall be performed on a woman who presents in labor without previous prenatal care and who has not been previously confirmed as infected with HIV; confirmatory testing shall subsequently be performed.~~

~~(8) Appendix II, the summary table of Routine Prenatal Screening for Sexually Transmitted Diseases (STD)/No Prenatal Care-Patient Presents at Delivery, is attached hereto as a part of the rule.~~

Author: Charles H. Woernle, M.D., M.P.H.

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-11A-1, et. seq.

History: New Rule: Filed February 17, 2006; effective March 24, 2006. **Repealed and Replaced:** Filed May 26, 2011, effective date June 30, 2011. Repealed: Filed XXXX, xx, 2014; effective XXXX, xx, 2014.