

105 CMR: DEPARTMENT OF PUBLIC HEALTH 105 CMR 340.000: REPORTING AND CONTROL OF SEXUALLY TRANSMITTED DISEASES (STDs)

Section

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340.001: Purpose

The purpose of 105 CMR 340.000 is to regulate the reporting and control of sexually transmitted diseases (STDs.)

340.002: Authority

105 CMR 340.000 is adopted under the authority of M.G.L. c. 111, §§ 3, 5, 6, 7, 111, 117, and 119.

340.003: Citation

105 CMR 340.000 shall be known and may be cited as Reporting and Control of Sexually Transmitted Diseases (STDs).

340.004: Application

105 CMR 340.000 is applicable to any clinic for the treatment of STDs which is designated by the Department as a certified STD clinic, and to any health care provider who is required by law to report STDs to the Department.

340.010: Definitions

Commissioner means the Commissioner of the Massachusetts Department of Public Health.

Contact means a person who had sexual exposure to a person infected or suspected of being infected with an STD or, in the case of a newborn infant, exposure during the pregnancy of the infant's mother if the mother is infected or suspected of being infected with an STD.

Department means the Massachusetts Department of Public Health.

Health Care Provider means a physician, physician's assistant or nurse who is registered in accordance with the provisions of M.G.L. c. 112.

Prophylactic Treatment means treatment of contacts or persons suspected of being infected with an STD.

Sexually Transmitted Diseases (STD's). STDS are defined as those diseases listed in 105 CMR 300.140(A) and, in addition, other such *non-reportable* STDs as defined from time to time by the Department including, but not limited to, the following: Nongonococcal urethritis, mucopurulent cervicitis (chlamydial), bacterial vaginosis, HIV, herpes genitalis, hepatitis B, scabies, pediculosis pubis, and molluscum contagiosum.

340.100: Case Reporting and Actions

Whenever any household member, physician, laboratory and other officials designated by the Department becomes aware of, or has reason to believe that, a person within his/her household, his/her care, or for whom clinical testing is being performed, is infected with a sexually transmitted disease listed in 105 CMR 300.140(A), he/she shall:

(A) Report the case within 24 hours directly to the Department, in a form or manner deemed appropriate by the Department, providing the following information:

- (1) name of the patient;
- (2) complete address;
- (3) age or date of birth;
- (4) sex;
- (5) race;
- (6) marital status;
- (7) name of the disease, site of infection and stage;
- (8) whether the patient has been under treatment for this infection, with information regarding the type of treatment;
- (9) name, address and telephone number of the diagnosing physician; and
- (10) such additional information as shall be deemed necessary by the Department.

(B) The health care provider will immediately place the person under appropriate therapy acceptable to the medical community to ensure that the person is no longer infectious and will ultimately be cured.

(C) The health care provider will counsel the infected person as to the nature of the infection and instruct him/her in appropriate means of preventing transmission or reinfection.

(D) The health care provider will encourage each case to identify his/her contacts and assist the infected person in notifying such contacts, or will refer the infected person to the Department for partner notification.

(E) All case reports to the Department shall be strictly confidential, pursuant to M.G.L. c. 111, § 119 and shall not be disclosed except under the limited circumstances stated therein. For example, disease investigators will not divulge to any contact the names or identifying information relating to any case.

340.101: Retraction of a Case Report

In the event that a physician should decide that the original diagnosis of an STD is no longer accurate, that physician should immediately report that changed diagnosis to the Department. The records pertaining to this will be expunged and control activities will cease.

340.200: Department Action to Control STD's

(A) Upon notification by any source of an infected person or person suspected of being infected, the Department shall confirm the diagnosis with the physician if the case report was not generated by that

diagnosing physician. The Department may, as it deems appropriate, undertake intervention to promote and protect the public health. Such intervention may include, but shall not be limited to, the following:

(1) offering examination and treatment of infected persons, and
(2) identification, notification, examination and preventive treatment of contacts and other persons suspected of being infected.

(B) Pursuant to the Department's powers under M.G.L. c. 111, §§ 6 and 7 and the power of the Commissioner to authorize the inspection and release of medical records (M.G.L. c. 111, §§ 24a, 53, 70 and 119), the Department is authorized to review the hospital, clinic and/or laboratory record of any person who is infected or suspected of being infected with an STD.

340.201: Failure to be Treated

When the Department determines that a person is the likely source of multiple STD cases and that repeated efforts to contact and/or bring the person into medical care have been unsuccessful, the Department may enlist the assistance of other State and local agencies in contacting and/or bringing this individual to a site of medical treatment, so that he/she may be examined and treated so as to be rendered non-infectious and ultimately to be cured.

340.300: Department Action Regarding Contacts

STD case investigators of the Department, known as Disease Intervention Specialists (DIS), shall, with each client's cooperation, interview STD cases to elicit information identifying each client's contacts who would have likely been exposed to the STD. The DIS will then offer assistance to the client to ensure that each partner is notified and brought into medical care for evaluation and preventive or curative treatment. The DIS shall ensure either that the client notifies each partner or that the DIS directly notifies each partner.

340.301: Withdrawal of Blood

A person employed by the Department and assigned to a certified STD clinic as an STD case investigator may perform venipuncture or skin puncture for the purpose of withdrawing blood for test purposes, upon specific authorization from a licensed physician employed by the Department; provided that such person meets the following requirements:

(A) he/she works under the direction of a licensed physician employed by the Department, and

(B) he/she has been trained by a licensed physician or laboratory in the proper procedures to be employed when withdrawing blood and has a statement signed by an instructing physician that such training has been successfully completed.

REGULATORY AUTHORITY

105 CMR 340.000: M.G.L. c. 111, §§ 3 and 6.