



June 15, 2022

NOTICE OF PROPOSED RULEMAKING
Chapter 511-5-4
“Serologic Test for Syphilis for Pregnant Women”

The Department of Public Health proposes revisions to the rules located in Chapter 511-5-4, “Serologic Test for Syphilis for Pregnant Women,” pursuant to its authority under Georgia Code Sections 31-2A-6, 31-12-3 and 31-17-4.

The purpose of the proposed rulemaking is to add hepatitis B, hepatitis C and HIV testing to the standard screenings for pregnant women.

The proposed rules are posted on the Department’s website at <https://dph.georgia.gov/regulationsrule-making>. Interested persons may submit comments on these proposed revisions in writing addressed to:

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Written comments must be submitted on or before July 14, 2022. Oral comments may be presented online or via phone at a public meeting scheduled for 10:00 a.m. on July 13, 2022. To join the public meeting:

- To join by computer:
 - <https://gapublichealth.webex.com/gapublichealth/j.php?MTID=m115ee1e95347caf2cd20cbac76441df5>
 - Meeting Number: 2530 335 8651
 - Password: BrEBXMsT462

- To join by phone:
 - 1-415-655-0001 United States Toll
 - Access Code: 2534 335 8651

The Commissioner of Public Health will consider the proposed rules for adoption on or about July 15, 2022, to become effective on or about August 15, 2022.

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Georgia Department of Public Health

**RULES OF THE
DEPARTMENT OF PUBLIC HEALTH**

**CHAPTER 511-5
HEALTH PROMOTION**

**511-5-4
SEROLOGIC TESTS ~~FOR SYPHILIS~~ FOR PREGNANT WOMEN**

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Rule 511-5-4-.01 Purpose

The purpose of this Rule is to detect the presence of certain infectious diseases ~~syphilis~~ in a pregnant or postpartum woman and provide appropriate treatment for the woman and baby.

Authority: O.C.G.A. §§ 31-2A-6, 31-12-3 and 31-17-4.

Rule 511-5-4-.02 Definitions

Unless a different meaning is required by the context, the following terms as used in these Rules shall have the meaning hereinafter respectively ascribed to same:

- (a) "Standard serologic test for syphilis" means a test designed to detect evidence of syphilis ~~and approved by the Department. This definition includes, but is not limited to, the VDRL (Venereal Disease Research Laboratory) and the RPR (Rapid Plasma Reagin) tests.~~
- (b) ~~"Physician" means any person licensed to practice medicine in the State of Georgia under O.C.G.A. Chapter 43-34~~ "Standard serologic test for hepatitis B" means a test designed to detect evidence of hepatitis B surface antigen (HBsAg).
- (c) ~~"Clinical laboratory" means a laboratory licensed by the Department to perform a standard serologic test for syphilis. Provided however, a clinical laboratory exempted from the licensing requirement by other rules and regulations of the Department shall not be required to be licensed by these rules and regulations~~ "Standard serologic test for hepatitis C" means a test designed to detect evidence of hepatitis C. This definition includes an HCV-antibody test with reflex HCV RNA polymerase chain reaction (PCR) test.
- (d) "Standard serologic test for HIV" means a test designed to detect evidence of HIV.
- (~~e~~) "Department" means the Georgia Department of Public Health.

Authority: O.C.G.A. §§ 31-2A-6, 31-12-3 and 31-17-4.

Rule 511-5-4-.03 Provisions

- (1) Unless the patient declines screening, Every pregnant woman shall have a blood specimen taken as prescribed herein for a standard serologic test for syphilis, a standard serologic test for HIV, a standard serologic test for hepatitis B and a standard serologic test for hepatitis C.
- (2) ~~Every pregnant woman who delivers a live born or stillborn baby and did not have the required blood specimens taken during gestation shall have a blood specimen taken as prescribed herein for a standard serologic test for syphilis.~~
- (~~3~~) Every ~~physician~~ health care provider in this state providing prenatal care to a pregnant woman, or delivering or attending a woman just delivered, shall take or cause to be taken a venous blood specimen for submission to a clinical laboratory for a standard serologic test for

syphilis, a standard serologic test for HIV, a standard serologic test for hepatitis B and a standard serologic test for hepatitis C, as follows:

(a) ~~A blood specimen shall be taken at the initial visit to the health care provider physician for prenatal care, a standard serologic test for: and a second blood specimen shall be taken during the third trimester of gestation. Provided, however, if the initial visit is in the third trimester, a blood specimen is not required.~~

1. Syphilis;

2. HIV;

3. Hepatitis B; and

4. Hepatitis C.

(b) ~~In the third trimester in the following circumstances: Any physician who delivers a baby or who attends a woman who has just delivered a baby and cannot confirm that the woman had the test required in (a) above, shall within six (6) hours of such delivery take or cause to be taken a specimen of venous blood from the woman delivering a live born or stillborn baby.~~

1. A standard serologic test for syphilis, as required in O.C.G.A. Section 31-17-4.2. The specimen shall be taken early during the third trimester, ideally at 28-32 weeks of gestation;

2. A standard serologic test for HIV, as required in O.C.G.A. Section 31-17-4.2; and

3. A standard serologic test for hepatitis C if the woman has known or potential exposures to hepatitis C.

(c) As soon as possible upon admission to the hospital or birth facility for delivery:

1. A standard serologic test for syphilis, for women not tested prenatally, who deliver a stillborn infant, are at high risk for syphilis, or as long as Georgia is classified by the Centers for Disease Control and Prevention as a state with high syphilis morbidity. In accordance with O.C.G.A. Section 31-17-4.2, if a syphilis test was conducted in the third trimester, and the woman does not disclose activities posing a risk for syphilis infection more recently, this test is not required;

2. A standard serologic test for HIV, for women not tested prenatally and for women at increased risk for HIV infection who were not tested in the third trimester. In accordance with O.C.G.A. Section 31-17-4.2, if an HIV test was conducted in the third trimester, and the woman does not disclose activities posing a risk for HIV infection more recently, this test is not required;

3. A standard serologic test for Hepatitis B, for women not tested prenatally, with signs or symptoms of hepatitis, or at high risk for hepatitis B; and

4. A standard serologic test for Hepatitis C, for women not tested prenatally.

(3) Patients shall be notified of all tests to be conducted and shall have the opportunity to refuse the test.

~~(4) — The attending physician shall report to the Department any positive standard serologic test for syphilis, within twenty four (24) hours of receipt of the original laboratory report, unless the woman is proven not to be infected. The report shall be admitted in a manner prescribed by the Department.~~

Authority: O.C.G.A. §§ 31-2A-6, 31-12-3 and 31-17-4.