

Wyoming Administrative Rules

Health, Department of

Sexually Transmitted Diseases

Chapter 6: Mandatory Testing

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RULES AND REGULATION FOR SEXUALLY TRANSMITTED DISEASES

CHAPTER 6 Mandatory Testing

Section 1. Consent of Accused to Examination. Upon the consent of a person accused of any crime involving the alleged exchange of bodily fluids, the accused person shall be examined, as soon as practical, for sexually transmitted diseases included within the list of reportable diseases.

Section 2. Warrant for Examination. Persons accused of any crime wherein it is alleged that there has been an exchange of bodily fluids who are unwilling or unable to give consent or from whom it is impractical to seek consent for examination, the court may issue a warrant upon a sufficient showing of probable cause by affidavit, at any time of day or night, and thus order the medical examination of the accused person for sexually transmitted diseases included within the list of reportable diseases.

Section 3. Person Convicted. Any person convicted of a sex offense shall, at the request of the victim, be examined as soon as practicable after the conviction for reportable sexually transmitted diseases.

(a) The victim shall make the request to the District Attorney responsible for prosecuting the offense.

(b) If the offender is unwilling or unable to consent to the examination, the District Attorney shall petition the court for an order requiring the offender to submit to the examination.

Section 4. Conduct of Examination. Any examination performed under this Chapter shall be performed by a licensed physician or health care provider and shall include:

(a) Collection of an appropriate laboratory specimen for sexually transmitted diseases for submission to:

(i) The State Public Health Laboratory or

(ii) An approved private laboratory if such tests are unavailable at the State Public Health Laboratory.

(b) Medical examination to evaluate the symptomatic presence of sexually transmitted disease(s).

(c) Social and medical historical information that may disclose suspected or known events or circumstances that support the possibility of infection and/or exposure to infection.

Section 5. Results Laboratory-Medical Examination.

(a) Examination results shall be reported to the appropriate Health Officer and/or Designee.

(b) Upon receipt of the examination results, the Health Officer or Designee shall notify the victim, alleged victim, or if a minor, the parents or guardian of the victim or the alleged victim.

(c) Costs of any medical examination undertaken pursuant to this section shall be funded through the Wyoming Department of Health.

Any claim for reimbursement for physician and/or laboratory costs for examination of patient and/or patient specimen for confirmation of sexually transmitted infection(s) must be adequately confirmed by the provision of a copy of the court order provided to the Wyoming Department of Health at the time the reimbursement is made in writing. The claim shall include patient identification, age, marital status, gender and risk factor for exposure to infection.

Claim for reimbursement shall include:

Nature of medical examination-clinical procedure(s).

Summary of clinical findings and clinical diagnosis.

Laboratory test procedure used to determine suspect or known infection.

Laboratory test findings and reference laboratory.

2. Claim(s) for reimbursement shall be submitted in writing, if by mail it shall be marked "CONFIDENTIAL" and mailed to:

Wyoming Department of Health
Chief, Acute Illness and Injury Section
Hathaway Building, Room 520
Cheyenne, WY 82002

(d) If the court finds that the offender is able to reimburse the Wyoming Department of Health, the offender shall reimburse the Wyoming Department of Health for costs of any medical examination under this section.

Reimbursement shall be forwarded to:

Wyoming Department of Health
Chief, Acute Illness and Injury Section
Hathaway Building, Room 520
Cheyenne, WY 82002

(e) All results which are or can be derived from the examination ordered pursuant to this section are confidential, not admissible as evidence and shall not be disclosed except:

- (i) as provided by this section;
- (ii) as provided by W.S. 35-4-132(d);
- (iii) in a civil action for the negligent or intentional infliction of or exposure to a sexually transmitted disease;
- (iv) in a criminal prosecution for the criminal infliction of or exposure to a sexually transmitted disease; or

(v) as otherwise provided by law.

Section 6. Medical Examination (W.S. 7-1-109).

(a) Whenever possible, the medical examination of the accused shall be performed at a public health facility by a public health physician or qualified Designee.

(b) Whenever possible, the laboratory specimen collected shall be submitted to the State Public Health Laboratory for analysis.

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