

## Wyoming Administrative Rules

# Health, Department of

## Sexually Transmitted Diseases

### Chapter 1: General Provisions

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# **RULES AND REGULATIONS FOR SEXUALLY TRANSMITTED DISEASES**

## **CHAPTER 1 General Provisions**

Section 1. Statutory Authority. Pursuant to W.S. 35-4-107, W.S. 35-4-108, and W.S. 35-4-130 the Wyoming Department of Health is authorized to make rules and regulations pertaining to a list of reportable communicable diseases. The Wyoming Department of Health is generally authorized pursuant to W.S. 35-1-229 to adopt rules as necessary to enforce.

Section 2. Definitions. These rules and regulations shall use the following terms as defined within this section:

(a) “Acquired Immune Deficiency Syndrome” (AIDS) is the end result of Human Immunodeficiency Virus (HIV) infection supported by documented opportunistic infections, malignancies, or selected systemic diseases in association with HIV seropositivity.

(b) “Appropriate and Adequate Treatment” is the application and use of current minimum public health/medical standards regarding the treatment type and schedule for specific sexually transmitted diseases (STD).

(c) “Assault” is a perceived ability or attempt to intentionally cause bodily injury to another person.

(d) “Battery” is the intentional touching of another person without justification and/or without consent.

(e) “Body Fluid” includes any fluids that have been identified by the Center for Disease Control as potentially infectious and capable of facilitating the transmission of sexually transmitted disease including HIV/AIDS.

(f) “Care and Treatment” is a schedule of care advised, offered and/or provided to a patient based on the current recommended minimum medical standard of care for sexually transmitted diseases.

(i) The definition for Care and Treatment is not intended to be construed as making the Wyoming Department of Health, Disease Prevention Program(s), responsible for providing medical services for STD patient care.

(g) “Communicable” is the known or suspected transmissibility of an infection.

(h) “Community Correctional Facilities” means a community based facility or program as authorized by the Adult Community Corrections Act W.S. 7-18-101 et seq.

(i) “Confidential” means the restriction of information and records relating to a known or suspected case of sexually transmitted disease which has been reported, acquired and maintained under W.S. 35-4-130 through 35-4-134, unless otherwise required by law and except pursuant to W.S. 35-4-132(d)(i) through (iv).

(j) “Contagious” is the transmission of a disease by direct or indirect contact.

(k) “Convicted” as used in these rules includes: pleas of guilty, nolo contendere and verdicts of guilty upon which a judgment of conviction may be rendered, and includes juvenile adjudications of delinquency if the adjudication is based upon an act which would constitute a sex offense. “Convicted” shall also include dispositions pursuant to W.S. 7-13-301.

(l) “Dangerous” means hazardous, unsafe or perilous to private or public health.

(m) “Designee” is an individual appointed by the Health Officer and conducting official business for and on behalf of the Wyoming Department of Health, a county, city or district health office.

(n) “Dispensary” is any facility other than a hospital, that provides health care services, including the diagnosis and/or treatment of patients under the care of a licensed physician, with a capacity to conduct patient health care needs of relatively short duration.

(o) “Emergency Medical Services Provider” means an emergency medical technician, paramedic, physician, nurse or other health care worker providing direct patient care services, whose medical care of an infected individual resulted in a significant exposure.

(p) “Examined for Sexually Transmitted Disease” refers to the medical, clinical, laboratory or historical evaluation of a person’s health status regarding suspected and/or known sexually transmitted disease.

(q) “Health Care Employee” is a general term used to identify a person (employee) of a health care facility involved in the supervision, care and treatment of patients commensurate with the employee’s qualifications and training.

(r) “Health Care Facility” is a public or private hospital, dispensary, or other facility or institution offering and/or providing medical services.

(s) “Health Care Professional” shall include licensed physicians, nurses, physician’s assistants, nurse practitioners, dentists, dental hygienists, dental assistants.

(t) “Health Care Provider” is a general term used to identify a health care facility and/or medical professional (e.g., physician, nurse, physician’s assistant) providing, directing, supervising or recommending a schedule of medical services to or on behalf of a person.

(u) “Health Care Worker” includes all personnel involved in the care of a patient including first responders, such as law enforcement, rescue personnel and those persons acting as good samaritans.

(v) “Health Officer” is the physician or qualified designee selected by the appointing authority for a specific jurisdiction: state, county, and/or city.

(w) “HIV Infection/AIDS” is a sexually transmitted disease but may also be transmitted to another person via an exchange of or contact with contaminated body fluids, e.g., sharing of contaminated needle as used for intravenous injection.

(x) “Hospital” is a facility with an organized medical staff with a capacity to conduct patient health care needs on a continuous and/or extended basis.

(y) “Infectious” is the capacity to rapidly spread infection to other persons.

(z) “Isolate” is the restriction of one’s freedom necessary to ensure individual and/or public health and welfare.

(i) A person may be advised by the Health Officer and/or authorized Designee to voluntarily restrict his or her freedom of movement so as to limit contact with other persons.

(ii) Action may be taken by the Health Officer and/or authorized Designee for the protection of public health and welfare to legally and formally restrict a person's freedom of movement or performance of an activity.

(aa) "Laboratory" is a facility involved in the collecting, processing, analyzing, storing or passing of patient specimens to reference laboratory facilities for the purpose of identifying infectious, microbiological, serological, chemical, hematological, biophysical, cytological or pathological specimens from the human body.

(bb) "Life Threatening" means the potential for loss of life due to the known or suspected presence of medical condition(s) that may result in or lead to imminent death.

(cc) "Penal Institution" is any public or private facility authorized by law to incarcerate individuals as ordered by the court.

(dd) "Positive Test Result" is a test that concludes a person is infected with a sexually transmitted disease.

(i) Positive STD test results may include but not be limited to the following test methods:

- [A] Culture
- [B] Serology
- [C] Direct Slide
- [D] EIA (Enzyme Immunoassay)
- [E] DNA Probe (Deoxyribonucleic Acid)
- [F] Other FDA technology

(ee) "Prisoner" is a person confined or imprisoned in any state penal institution, county or city jail or any community correctional facility.

(ff) "Public Safety Worker" means law enforcement personnel, correctional facility personnel or firefighter.

(gg) "Rescue Personnel" includes law enforcement officers, firemen, emergency medical technicians, paramedics, physicians, nurses, and those individuals acting as good samaritans.

(hh) "Sex Offense" means sexual assault under W.S. 6-2-302 through 6-2-305, attempted sexual assault, conspiracy to commit sexual assault, incest under W.S. 6-4-402 or indecent liberties under W.S. 14-3-105.

(ii) "Sexually Transmitted Disease" includes AIDS, HIV infection, Syphilis, Gonorrhea, and Chlamydia.

(jj) "Significant Exposure" includes:

(i) Contact of a health care provider's broken skin or mucous membrane with known or suspected to be infected body fluids other than tears, perspiration or saliva.

(ii) A needle stick, scalpel or other instrument wound occurring during the process of caring for an infected individual.

- (iii) Sexual contact - known as a fact or epidemiologically suspected.
  - (iv) Sharing of potentially contaminated needles as practiced by IV drug users.
  - (v) Exposure that occurs during the course of examination or treatment by dental care providers.
  - (vi) Any physical act that results in the exchange of bodily fluids, see Section 2 (e).
- (kk) “Treatment” is the actual passing or prescribing of medications or a schedule of health care procedures established by current medical standards to effect a cure for a disease or in the case of incurable sexually transmitted disease, enhance and/or sustain the patient’s life expectancy.

(ll) “Venereal Disease” is known as VD, a term used to refer to a sexually transmitted disease; pertains to a specific group of diseases that may be transmitted from one person to another during intimate sexual activity.

### Section 3. Confidentiality of Information.

- (a) All records pertaining to sexually transmitted diseases are confidential and except as otherwise required by law shall not be disclosed unless the disclosure:
- (i) Is for statistical purposes and the information is released in a manner that does not reveal personal identifiers; or
  - (ii) Is necessary for the exclusive administration and enforcement of these rules and regulations and/or Wyoming State Statutes; or
  - (iii) Is preceded by the written consent of the infected individual specifying where the information shall be sent; or
  - (iv) Is for notification of health care employees as necessary to protect life and health.
  - (v) Is pursuant to a civil action for negligent or intentional infection of or exposure to a sexually transmitted disease.
  - (vi) Is pursuant to a criminal prosecution for the criminal infection of or exposure to a sexually transmitted disease.
- (b) The Health Officer and/or qualified Designee shall have access to medical records and other information pertaining to individuals covered by W.S. 35-4-107.

Section 4. Severability. If any portion of these rules is found to be invalid or unenforceable, the remainder shall continue in effect.

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