

## Proposed Health Code Amendment: Syphilis Testing and Reporting

### Summary

The NYC Department of Health and Mental Hygiene (the Department) is requesting that the Board of Health amend §13.03(b)(2) of the NYC Health Code to require laboratories to report indeterminate syphilis test results and, where a result is indeterminate, perform a second test on the same specimen and report the result of that test. If the result of the second test is also indeterminate, the laboratory would not be required to perform additional testing. The proposed amendment was presented at the September 13, 2016 Board of Health meeting (video available at <https://www1.nyc.gov/site/doh/about/hearings-and-notice/public-meetings-archive.page>) and will be considered for adoption at the December 6, 2016 meeting.

### Background and Purpose

While many laboratories already report indeterminate test results, it is not explicitly required in the Health Code. The amendment will provide for more complete reporting. Additionally, other minor language changes that have no bearing on laboratory reporting obligations were made to simplify and clarify §13.03(b)(2). None of the proposed changes impact provider reporting obligations.

In 2015, 1,968 indeterminate syphilis test results were reported to the Department. The standard approach to resolving an indeterminate test is for a laboratory to retest the same specimen with the same or an alternate diagnostic test or for a healthcare provider to collect another specimen from the patient and test that specimen. To help ensure prompt initiation of treatment of individuals with syphilis, the Department classifies indeterminate test results as positive. This results in the initiation of case investigation and field activities, which include Department staff contacting providers, laboratories, patients, and sex partners of patients.

Requiring laboratories to routinely perform a second syphilis test at the time an indeterminate result is obtained will enable prompt treatment initiation and reduce the risk of disease progression and transmission if the test is positive. The Department will also be able to focus its resources on those New Yorkers with confirmed infections or exposure to infected persons.

### Public Hearing and Opportunity to Comment

The Department will hold a public hearing on this and other proposed Health Code amendments from 10 a.m. to 12 p.m. on October 25, 2016.

The hearing will be at:

NYC Department of Health and Mental Hygiene  
Gotham Center, 42-09 28th Street, 14th Floor,  
Room 14-43  
Long Island City, NY 11101-4132

Anyone can comment on the proposed amendments by:

- **Website.** You can submit comments through the NYC rules website at <http://rules.cityofnewyork.us>
- **Email.** You can email comments to [resolutioncomments@health.nyc.gov](mailto:resolutioncomments@health.nyc.gov)
- **Mail.** You can mail comments to:  
NYC Department of Health and Mental Hygiene  
Gotham Center, 42-09 28th Street, CN 31  
Long Island City, NY 11101-4132
- **Fax.** You can fax comments to NYC Department of Health and Mental Hygiene at 347-396-6087.

Written comments must be received on or before **5:00 p.m. on October 25, 2016.**

### More Information

Full text of the proposed resolution can be found at <http://rules.cityofnewyork.us/content/reportable-diseases-conditions-and-laboratories-article-11-and-article-13-new-york-city>. Questions regarding this resolution can be directed to Oscar Mairena ([omairena@health.nyc.gov](mailto:omairena@health.nyc.gov)). Note that comments must be made via the above channels to be part of the official record considered by the Board of Health.