

## AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 6527, 6902 and 6909 of the Education Law and Chapter 502 of the Laws of 2016

Section 64.7 of the Regulations of the Commissioner of Education is amended, effective March 14, 2017, as follows:

64.7 Administration of immunizations, emergency treatment of anaphylaxis, tuberculosis tests, human immunodeficiency virus (HIV) tests, opioid related overdose treatments, [and] hepatitis C tests and screening for syphilis, gonorrhea and/or chlamydia infections pursuant to non-patient specific orders and protocols.

(a) . . .

(b) . . .

(c) . . .

(d) . . .

(e) . . .

(f) . . .

(g) Screening for syphilis, gonorrhea and/or chlamydia infections.

(1) As used in this subdivision, screening means an assessment of an individual to ascertain his or her risk of having a syphilis, gonorrhea and/or chlamydia infection and may include the administration of one or more laboratory or point of care tests approved by the Federal Food and Drug Administration to detect or screen for syphilis, gonorrhea and/or chlamydia infections.

(2) A registered professional nurse may screen persons at increased risk for syphilis, gonorrhea and/or chlamydia pursuant to a written non-patient specific order

and protocol prescribed or ordered by a licensed physician or a certified nurse practitioner, provided that the requirements of this subdivision are met.

(3) Order and protocol.

(i) The non-patient specific order shall include, at a minimum, the following:

(a) the name, license number and signature of the licensed physician or certified nurse practitioner who orders or prescribes the non-patient specific order and protocol;

(b) the name of the specific laboratory or point of care test(s) or assessment procedures to be administered;

(c) a protocol for administering the ordered screening for syphilis, gonorrhea and/or chlamydia infections or a specific reference to a separate written protocol for administering the ordered screening for syphilis, gonorrhea and/or chlamydia, which shall meet the requirements of subparagraph (ii) of this paragraph;

(d) the period of time that the order is effective, including the beginning and ending dates;

(e) a description of the group(s) of persons to be screened; and

(f) the name and license number of the registered professional nurse(s) authorized to execute the non-patient specific order and protocol to screen for syphilis, gonorrhea and/or chlamydia infections; or the name of the entity that employs or contracts with registered professional nurses to execute the non-patient specific order and protocol, provided that the registered professional nurses execute the non-patient specific order and protocol only in the course of such employment or pursuant to such contract and provided further that the entity is legally authorized to employ or contract with registered professional nurses to provide nursing services.

(ii) The written protocol, incorporated into the order prescribed in subparagraph (i) of this paragraph, shall, at a minimum, include instructions for screening for syphilis, gonorrhea and/or chlamydia infections and require the registered professional nurse(s) to ensure that:

(a) each potential recipient is assessed, pursuant to criteria in the protocol, for conditions that would qualify or preclude him or her from receiving the ordered screening tests for syphilis, gonorrhea and/or chlamydia infections;

(b) informed consent for administering the ordered screening for syphilis, gonorrhea and/or chlamydia has been obtained from the recipient pursuant to the criteria in the protocol, or when the recipient lacks capacity to consent, from a person authorized pursuant to law to consent to health care for the recipient;

(c) positive test results for syphilis, gonorrhea and/or chlamydia infections are not disclosed to the test recipient or the recipient's authorized representative by the registered professional nurse without a patient specific order from a licensed physician, licensed physician assistant or certified nurse practitioner; and

(d) the administration of the ordered screening for syphilis, gonorrhea and/or chlamydia is documented in the recipient's medical record in accordance with criteria in the protocol and that documentation relating to the screening for syphilis, gonorrhea and/or chlamydia is maintained in accordance with section 29.2(a)(3) of this Title.