

CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH  
Board of Health

Amendment to the Regulations Governing the Control of Communicable and Non-Communicable Diseases and Conditions, Related to Serology on Blood of Pregnant Persons for Congenital Syphilis

Approved October 14, 2021

**WHEREAS**, according to the Centers for Disease Control and Prevention the number of cases of congenital syphilis in the United States in 2019 was the highest it's been since 1995; and

**WHEREAS**, Philadelphia has seen an increase in the occurrence of congenital syphilis cases in 2021, with 7 cases reported in the first half of 2021; and

**WHEREAS**, a review of the congenital syphilis cases identified in Philadelphia in 2021 concluded that serological testing of parental blood earlier in the third trimester could prevent congenital syphilis by allowing for treatment of pregnant persons prior to delivery; and

**WHEREAS**, the Philadelphia Department of Public Health has promulgated *Regulations Governing the Control of Communicable and Non-Communicable Diseases and Conditions*, which were last amended with respect to serology on maternal blood for congenital syphilis in 1997; and

**WHEREAS**, the Centers for Disease Control and Prevention issued Sexually Transmitted Infections Treatment Guidelines in 2021 recommending that serologic testing should be performed during the third trimester at 28 weeks' gestation; and

**WHEREAS**, the Section 16 of the act of April 23, 1956 (P.L. 1510, No. 500) (35 P.S. § 521.1, *et seq.*), known as the Pennsylvania Disease Prevention and Control Law of 1955, authorizes the Board of Health to issue regulations relating to disease prevention and control. 35 P.S. § 521.16; and

**WHEREAS**, Section 6-201(1) of The Philadelphia Code further provides that the Board of Health may by regulation establish separate lists of communicable, reportable and quarantinable diseases, which lists shall include all diseases so designated by the Board and shall form the basis for the controls and requirements hereinafter established for communicable, reportable or quarantinable diseases; and

**WHEREAS**, Section 6-202(1) of The Philadelphia Code provides that any physician or osteopath who treats any person having any reportable disease shall forthwith report the existence of such disease to the Department of Public Health in writing or in such form and manner as the Board of Health may be regulation prescribe; and

**WHEREAS**, Section 6-202(4) of The Philadelphia Code provides that every person shall render such information and reports to the Department of Public Health as may be required by such regulations as the Board of Health may prescribe to insure the proper control of communicable

diseases or to aid in the formulation and review of municipal programs for the promotion of the health of the public; and

**WHEREAS**, Section 6-203(1) of The Philadelphia Code provides that the Department of Public Health may order the examination of any person having or reasonably suspected of having any venereal disease, which is dangerous to human life and which is transmissible through human contact or close human association; and

**WHEREAS**, Section 6-208(1) of The Philadelphia Code provides that every physician or osteopath who takes a blood sample from a pregnant person during the period of gestation shall do so in the manner prescribed by such regulations as the Board of Health may prescribe to guarantee proper and timely diagnosis of syphilis and shall submit the blood sample to a laboratory conducted and maintained in accordance with such regulations as the Board of Health may prescribe to ensure accurate diagnosis; and

**WHEREAS**, Section 6-402(4)(b) of The Philadelphia Code provides that all institutions and schools shall be conducted, operated and maintained in accordance with such regulations as the Board of Health may prescribe to protect the health and life of patients and persons therein, including the control of the spread of communicable disease and the effective treatment of disease; and

**NOW, THEREFORE**, the Board of Health hereby adopts this Amendment to the Regulations Governing the Control of Communicable and Non-Communicable Diseases and Conditions, as related to serology on maternal blood for congenital syphilis disease, as follows:

**SECTION 1:** The Regulations Governing the Control of Communicable and Non-communicable Diseases and Condition are amended as follows (deletions in ~~strike through~~; additions in **bold**):

REGULATION GOVERNING THE CONTROL OF COMMUNICABLE AND NON-COMMUNICABLE DISEASES

\* \* \*

8. Venereal Diseases

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(f) Prenatal Examination

(1) Every physician and all other persons permitted by law to attend, treat or examine ~~women~~ **pregnant people** for any purpose, shall take or cause to be taken, a sample of blood of such ~~women~~ **pregnant people** during the visit when pregnancy is

initially determined, and shall submit such samples to an approved laboratory for an approved serological test for syphilis.

(2) Every physician and all other persons permitted by law to attend, treat, or examine any pregnant ~~woman~~ **person** for conditions relating to pregnancy during the time of gestation or at delivery, shall take or cause to be taken, a sample of blood of such ~~woman~~ **person** at the time of ~~her~~ **such person's** first examination (including the visit when pregnancy is initially determined), ~~and again during the second and/or third trimester of gestation~~ **and again during the period of 28-32 weeks gestation**, and shall submit such samples to an approved laboratory for an approved serological test for syphilis. **If, for any reason, an approved serological test for syphilis is not able to be performed during the period of 28-32 weeks gestation, a duly licensed physician or practitioner shall, at their next opportunity during the third trimester, attempt to take or cause to be taken, a sample of blood and submit such sample to an approved laboratory for an approved serological test for syphilis.** All persons permitted by law to attend pregnant ~~women~~ **people**, but not permitted by law to take blood samples, shall likewise cause samples of the blood of every such pregnant ~~woman~~ **person** attended by them to be taken by a duly licensed physician or practitioner of the Commonwealth of Pennsylvania and to be submitted to an approved laboratory for an approved serologic test unless the ~~woman~~ **person** dissents. If the pregnant ~~woman~~ **person** objects, it shall be the duty of the physician or practitioner to explain to ~~her~~ **them** the desirability of such tests.

(3) In reporting every birth and fetal death, physicians and others required to make such reports shall state upon these certificates whether the above required blood tests were made, and if so, the dates of the tests but not the results of the tests. If the tests were not made, it shall be stated whether they were not made because, in the opinion of the physician or practitioner, the tests were not advisable or because the ~~woman~~ **person** objected.

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