

TITLE 7 HEALTH
CHAPTER 4 DISEASE CONTROL (EPIDEMIOLOGY)
PART 7 HUMAN IMMUNODEFICIENCY VIRUS PARTNER SERVICES

7.4.7.1 ISSUING AGENCY: New Mexico Department of Health.
[7.4.7.1 NMAC - N, 4/29/2011]

7.4.7.2 SCOPE: All physicians, health care professionals, and other persons having knowledge of persons diagnosed with human immunodeficiency virus infection covered by this regulation.
[7.4.7.2 NMAC - N, 4/29/2011]

7.4.7.3 STATUTORY AUTHORITY: These provisions set forth herein are promulgated by the secretary of the department of health by authority of Sections 9-7-6(E) NMSA 1978 and 24-2B-6 NMSA 1978. Administration and enforcement of these rules are the responsibility of the department of health.
[7.4.7.3 NMAC - N, 4/29/2011]

7.4.7.4 DURATION: Permanent.
[7.4.7.4 NMAC - N, 4/29/2011]

7.4.7.5 EFFECTIVE DATE: April 29, 2011, unless a later date is cited at the end of a section.
[7.4.7.5 NMAC - N, 4/29/2011]

7.4.7.6 OBJECTIVE: The objective of these rules is to offer early detection and intervention to those who may unknowingly be at risk of having HIV infection. The department hereby establishes a protocol to contact individuals known to be infected with HIV to offer them partner services, including assistance notifying people that the infected individual identifies as being exposed to HIV.
[7.4.7.6 NMAC - N, 4/29/2011]

7.4.7.7 DEFINITIONS:

- A. “Department”** means the department of health.
 - B. “Exposed person”** means a person who is potentially at risk of acquiring infection with HIV through exposure to infectious blood or body fluids.
 - C. “Health care professional”** means any licensed doctor of medicine or osteopathy, nurse, physicians assistant, midwife, or other licensed health care provider.
 - D. “HIV”** means the human immunodeficiency virus.
 - E. “Partner services”** means a voluntary, confidential service offered to source persons and identified exposed persons that includes, but is not limited to, the provision of anonymous or confidential testing for HIV, assistance with disclosure regarding HIV infection status, partner notification regarding potential exposure and linkage to additional medical, social and public health services for both source and exposed persons.
 - F. “Source person”** means a person who is identified as a confirmed source of exposure to HIV through transmission of potentially infectious blood or body fluids.
- [7.4.7.7 NMAC - N, 4/29/2011]

7.4.7.8 ROLE OF HIV AND HEPATITIS EPIDEMIOLOGY PROGRAM (HHEP) OF THE DEPARTMENT OF HEALTH:

- A. The HHEP** receives all laboratory and morbidity case reports for identified cases of HIV infection.
- B. Upon receipt** of a reported case of HIV, the HHEP will verify if the case represents a previously unreported or unidentified case of HIV in the state of New Mexico.
- C. For cases** which were previously unreported or unidentified, the HHEP will make a reasonable attempt to contact the health professional ordering the diagnostic test or reporting the case in order to do the following:
 - (1) determine if the source person has been notified of their diagnosis;
 - (2) determine if partner services have already been initiated;
 - (3) obtain any available contact information for the source person for the purposes of offering partner services;

(4) notify the health care professional that partner services will be initiated by a department of health staff member, if partner services have not previously been initiated by the department of health;

(5) obtain any additional information as required under administrative rule reporting requirements for HIV cases.

D. The HHEP will then notify the designated department staff member of a source person who shall be offered partner services. Any information that the HHEP staff shares with department staff will be transferred, stored, and maintained according to security and confidentiality standards set by the department and in accordance with requirements from the federal centers for disease control and prevention (CDC).

[7.4.7.8 NMAC - N, 4/29/2011]

7.4.7.9 ROLE OF DEPARTMENT OF HEALTH PARTNER SERVICES STAFF:

A. The designated department staff member will make a reasonable attempt to contact the source person in order to offer partner services.

B. Any information that the department staff receives from the HHEP will be transferred, stored, and maintained according to security and confidentiality standards set by the department and in accordance with requirements from the federal centers for disease control and prevention (CDC).

C. Participation in partner services by the source person is voluntary and confidential.

D. Partner services may also be initiated by request of the source person, by request of their health care provider, or through department staff involved in the care or public health investigation of that source person.

E. The identity of exposed persons revealed by a source person shall be confidential and shall not be revealed. Disclosure to any person of a potential exposed person's identity, except for disclosure for the purpose of prevention or control, including offering partner services, is prohibited unless disclosure is required by law.

F. Any exposed persons contacted by department staff shall not be told the identity of the source person who identified him or her as a contact.

G. For exposed persons contacted in the course of partner services, participation in partner services, further testing, or evaluation is voluntary and confidential.

H. Exposed persons shall be given information on available resources and testing.

[7.4.7.9 NMAC - N, 4/29/2011]

7.4.7.10 REPORTING OF POTENTIAL CRIMINAL SEXUAL ACTS OR ABUSE OR NEGLECT:

In the course of conducting partner services, if a department staff member discovers or has a reasonable suspicion that a criminal act has occurred or that an individual has been abused or neglected, that staff member or the appropriate supervisor of that staff member shall contact department counsel to determine the appropriate course of action and the department shall comply with all mandated reporting requirements.

[7.4.7.10 NMAC - N, 4/29/2011]

HISTORY OF 7.4.7 NMAC: [RESERVED]