

Legal Brief

Venereal Disease

This Legal Brief was drafted for general informational purposes only. It is not meant to be a comprehensive guide, nor should it be construed as legal advice. The information in this brief is current as of April 1, 2013; readers should consult the most recent versions of referenced statutes, regulations and cases to ensure there have been no material changes.

Summary

Cases of venereal disease must be reported to the appropriate public health officials and treatment for the disease may be required by state, county or municipal health officials. Physicians must take a blood sample from every pregnant woman to test for syphilis. The occurrence of the test must be recorded upon the birth or stillbirth of the child. Minors may also be examined and treated for venereal disease after receipt of the necessary consent from the minor.

Discussion

Reporting Requirements

Cases of venereal disease must be reported. A physician who makes a diagnosis or treats a case of venereal disease and any superintendent or manager of a hospital, dispensary or charitable or penal institution in which there is a case shall make a report to the health authorities in such form and manner as the South Dakota Department of Health (SDDOH) directs. "Venereal diseases" are defined by law as, syphilis, gonorrhea and chancroid.

It is a Class 2 misdemeanor for any infected person to expose another person to infection. The identity of any individual related to an investigation conducted pursuant to a report of a venereal disease shall be maintained in strictest confidence within the venereal disease control system, and any information obtained from that individual may not be disclosed in any action in any court or before any tribunal, board, or agency.

State, county and municipal health officers or their authorized deputies within their respective jurisdiction are directed and empowered to require persons infected with venereal disease to obtain treatment. Treatment may be ordered to continue until the patient is cured. Officials may also, when in their judgment it is necessary to protect the public health, isolate or quarantine persons infected with venereal disease.

Physicians attending a pregnant woman shall take a blood sample at the first examination for submission to standard serological tests for syphilis. The sample shall be sent to a laboratory cooperating with, and approved by, the Department of Health. In reporting every birth and stillbirth, physicians shall state on the birth certificate or fetal death certificate, as the case may be, whether a blood test for syphilis occurred during the pregnancy and shall state the date when such test was made. If the blood test was not conducted, the certificate shall state the reason the test was not done. The certificate may not state the result of the test.

Telephone reports can be made at 1.800.592.1804 and leaving a message on SDDOH's automatic answering-recording device. Alternatively, the person reporting may telephone 1.800.592.1861 and provide the required information to an authorized SDDOH representative.

For reports made by mail or courier, place the report in a sealed envelope addressed to the South Dakota Department of Health, Attention: Office of Disease Prevention, 615 East 4th Street, Pierre, SD, 57501. Reports should be marked "Confidential Disease or Condition Report" on the outside of the envelope.

The telephone number for facsimile reports is 605.773.5509.

To make an electronic report, navigate to www.state.sd.us/DOH/diseasereport

Treatment of Minors

Upon consent of the minor, a physician may make a diagnostic examination of a minor for venereal disease. The physician may also prescribe for and otherwise treat the minor patient for venereal disease, including prophylactic treatment for exposure to venereal disease, whenever such person is suspected of having a venereal disease or contact with anyone having a venereal disease. Any such consent shall not be subject to later disaffirmance by reason of minority.

A county health department, the Department of Health or physicians attached to such departments shall be offered to a minor, if available, upon the minor's request and without the necessity of consent of parents or notification to the parents. No hospital, public clinic or licensed physician who provides care to a minor or who performs medical or surgical care or services shall incur civil or criminal liability for having made such diagnostic examination or rendered such treatment. However, this immunity does not apply to any negligent acts or omissions.

Conclusion

Syphilis, gonorrhea, and chancroid, venereal diseases must be reported. Additionally, blood tests for syphilis must be conducted on every pregnant woman. The occurrence of the test must be recorded upon the birth or stillbirth of the child. Upon receipt of consent from parents or guardians, minors may be treated. Minors may seek treatment, absent such consent, from county or state health departments.



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