
**PUBLIC HEALTH ORDER
OF THE CABINET SECRETARY OF
THE NEW MEXICO DEPARTMENT OF HEALTH
JANUARY 10, 2020**

Increase Screening of Syphilis in All Pregnant Women to Prevent Congenital Syphilis

WHEREAS, the number of reported cases of primary and secondary syphilis among women and reported cases of congenital syphilis has increased every year since 2012 in the United States. The Centers for Disease Control and Prevention (“CDC”) reports more than 1,300 cases of congenital syphilis in 2018 in the United States, resulting in severe health complications and deaths among newborns¹;

WHEREAS, syphilis is a notifiable disease in New Mexico that is required to be reported to the New Mexico Department of Health (“NMDOH”) Sexually Transmitted Disease Program within 24 hours pursuant to the Section 7.4.3.13 of the New Mexico Administrative Code;

WHEREAS, the CDC ranks New Mexico 6th among the nation for rates of primary and secondary syphilis in 2018, representing more than a 50% increase in rate over 2017;

WHEREAS, in 2018, New Mexico had the 8th highest rate of infants born with congenital syphilis in the United States, with 10 cases of congenital syphilis reported to NMDOH, resulting in two (2) deaths. From 2012 and 2017, New Mexico reported an average of two (2) cases of congenital syphilis per year;

WHEREAS, as of December 30, 2019, 23 cases of congenital syphilis among New Mexico residents have been reported to NMDOH;

WHEREAS, congenital syphilis is preventable with screening and treatment of pregnant women found to have syphilis;

WHEREAS, pregnant women are required to be tested for syphilis at their first prenatal examination pursuant to NMSA 1978, Section 24-1-10;

WHEREAS, the CDC recommends syphilis testing be repeated during the third trimester (28-32 weeks gestational age) and at the time of delivery in women who are at high risk for syphilis or live in areas with high rates of syphilis;

NOW, THEREFORE, I, Kathyleen M. Kunkel, Cabinet Secretary of the New Mexico Department of Health, in accordance with the authority vested in me pursuant to NMSA 1978, Section 9-7-6(B)(5), do hereby declare that the rise in congenital syphilis within New Mexico constitutes a condition of public health importance as defined in NMSA 1978, Section 24-1-2(A) of the New Mexico Public Health Act that presents a public health threat that is identifiable on an

¹ CDC Fact Sheet <https://www.cdc.gov/nchstp/newsroom/docs/factsheets/STD-Trends-508.pdf>

individual or community level and can reasonably be expected to lead to adverse health effects in the community.

IT IS THEREFORE ORDERED THAT:

1. All medical practitioners shall perform the following upon consent of the patient:
 - a. Syphilis testing for all pregnant women in their 1st trimester (or initial prenatal visit) and 3rd trimester (28-32 weeks gestational age).
 - b. Syphilis testing for all pregnant women again at delivery.
 - c. Syphilis testing for all pregnant women who present to an urgent care center or an emergency room if the patient has not received prior prenatal care.
 - d. Syphilis testing of any woman with an intrauterine fetal demise at any gestational age.
 - e. Syphilis testing for all pregnant women at correctional facilities, including prisons, jails, and juvenile detention centers, at the intervals and events ordered herein.

THIS ORDER supersedes any previous order, proclamation, or directives to the extent they are in conflict and shall be enforceable under the provisions of the Public Health Act. This Public Order shall take effect immediately and remain in effect until such time as it automatically expires 120 days from the date of issuance, or until such time as the NMDOH Cabinet Secretary rescinds it.

ATTEST:

THIS 10TH DAY OF JANUARY 2020



**KATHYLEEN M. KUNKEL
CABINET SECRETARY OF THE
STATE OF NEW MEXICO
DEPARTMENT OF HEALTH**