Section 13
OB/GYN Standards
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Obstetrical/Gynecological Care Resources

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PERINATAL HEALTH MAINTENANCE

Preconception Counseling:
All women of childbearing age should be afforded preconception counseling to assist in risk factor reduction and health improvement in order to improve pregnancy outcome.

Schedule of prenatal visits
• Every four weeks until the 28th week
• Every two to three weeks until the 36th week
• Weekly after the 36th week

Initial Visit:

History
• Family history including genetic risk factors
• Psychosocial assessment including mental illness and issues of abuse and depression
• Habits, including use of tobacco, alcohol and other drugs
• Nutritional assessment (consider WIC referral)
• Medication (includes history of allergies and drug sensitivities)
• Risk assessment and identification
• Sexual and surgical history

Physical Exam
• Baseline physical with full systems review
• Pelvic exam
• Abdominal exam
• Breast examination

Labs—Initial Evaluation
• H/H (to be repeated again in third trimester)
• Hemoglobin electrophoresis when indicated
• Lead level (blood) test if at risk
• Urine culture
• Blood group and Rh type determinations
• Antibody screen
• Rubella antibody titer measurement
• Hepatitis B surface antigen
• Varicella screen as indicated
• Screen for sexually transmitted diseases as indicated*
• HIV testing should be recommended; if testing is done, appropriate release must be completed which documents pre and post counseling; maintain release in member’s chart
• Cervical cytology—Pap smear, if indicated
• Cystic fibrosis offered
• First trimester screening offered
Subsequent visits:

**Evaluation:**
- Weight
- Blood pressure
- Dipstick urinalysis (if indicated)
- Measurement of fetal development
- Counseling and education
- Tdap in third trimester

**Labs:**
- MSAFP/Multiple Markers 8–18 weeks (when indicated/elected)
- Blood glucose (1 or 2 hour) between 24–28 weeks
- Rh antibody testing at 26–28 weeks for unsensitized D-neg patients
- Hemoglobin or Hematocrit at 24–36 weeks
- Group B Strep culture at 35–37 weeks as per CDC guidelines
- Chlamydia, gonorrhea and syphilis screening as indicated at 32–36 weeks*
- HIV screening at 36–40 weeks

**Postpartum visit**
- Scheduled 21–56 days post NSVD
- Re-evaluate risk factors
- Physical examination
- Family planning method identified
- Preconception counseling (example folic acid, nutrition, alcohol/drug/tobacco, abstinence)
- Review of HIV and STDs
- Adjustment to infant
- Identify infant’s MD and follow-up care
- Feeding method
- Assessment for postpartum depression

*Reference is the NYS Department of Health Guidelines.
**CDPHP supports the use of the ACOG Antepartum form.

(Guidelines updated and approved by CDPHP quality management committee November 2014.)
Medicaid Prenatal Care Standards

Prenatal care standards in New York State (10 NYCRR, Part 85.40) were developed in early 1990 in response to the creation of the Prenatal Care Assistance Program (PCAP), a prenatal care program developed to provide for comprehensive perinatal care to low income, high risk pregnant women. The most recent revision of these standards occurred in 2000. Changes in the clinical standards of prenatal care since that time necessitate a review of Part 85.40 to compare them to current professional standards of practice which address new challenges and concepts in prenatal care. In order to accomplish this task, the Department partnered with the Island Peer Review Organization (IPRO) to review the existing PCAP standards and compare them to current American College of Obstetricians and Gynecologists (ACOG) guidelines and new recommendations in prenatal care, as well as other national guidelines of obstetric practice to determine the need to modify the prenatal standards as they become applied to all Medicaid prenatal providers.

The Office of Health Insurance Programs, in collaboration with the Division of Family Health, IPRO and a statewide advisory workgroup made up of key stakeholders in the field of prenatal care were charged with the responsibility for developing this revised set of Medicaid Prenatal Care Standards for New York State. Steps in the process included:

• Literature review and comparison of Part 85.40 with current ACOG guidelines and other evidence-based literature;
• Stakeholder meetings to discuss current standards of practice;
• Summary proposal with recommendations for revised standards;
• Revisions to Article 25, New York State Public Health Law; and
• Draft Medicaid Prenatal Care Standards for review and subsequent adoption.

The Department would like to express its appreciation to all the external stakeholders who gave of their time and shared their expertise in the field of prenatal care to assist us in the development of prenatal care standards for the NYS Medicaid Program.

A. Requirements

1. General requirements:

   a. Prenatal care providers shall create and maintain records and reports that are complete, legible, retrievable and available for review by representatives of the Commissioner of Health upon request. Such records and reports shall include the following:

      a. a comprehensive prenatal care record for each pregnant woman which documents the provision of care and services received and which is maintained in a manner consistent with medical confidentiality requirements;

      b. special reports and data submissions as necessary for the Commissioner of Health;

      c. records of internal quality assurance;

      d. all written policies and procedures required by this section; and

      e. data submissions in electronic form as requested by the Commissioner of Health in compliance with the most current Department of Health policies for health information exchange in New York State.

   b. Prenatal care providers shall comply with all federal, state and local laws and regulations regarding the disclosure of protected medical information when sharing or transferring medical information with other healthcare providers or facilities. Providers shall therefore obtain written informed consent from patients prior to transfer of medical records or information where required by law.

   c. Prenatal care providers shall comply with the requirements to obtain informed consent for all services described herein, in accordance with all applicable laws and regulations.

   d. Any subcontracts between the prenatal care providers and other agents or agencies providing care and services shall:

      i. be available for review and inspection by the Department of Health; and

      ii. require that subcontractors provide contracted care and services that meet the minimum standards established in this section and are provided in accordance with generally accepted standards of practice and patient care services.

   e. Prenatal care providers shall participate in quality improvement initiatives as requested by the Commissioner of Health.
2. Provider/Staff requirements:
   a. Prenatal care services, including prenatal diagnostic and treatment services, provided to pregnant women and postpartum women shall meet generally accepted standards of care as described by the most current American Academy of Pediatrics (AAP) and American College of Obstetricians and Gynecologists (ACOG) guidelines for perinatal care and shall be provided by a qualified provider practicing as:
      i. a licensed physician practicing in accordance with Article 131 of the New York State Education Law and must be either an obstetrical care physician (MD/DO), Board Certified or Board Eligible in their area of specialty, or have completed an accredited residency program in Family Practice or Obstetrics/Gynecology;
      ii. a nurse practitioner practicing in accordance with Article 139 of the New York State Education Law;
      iii. a licensed Midwife practicing in accordance with Article 140 of the New York State Education Law; or
      iv. a registered physician’s assistant practicing in accordance with Part 94 of this Title, Article 37 of the NYS PHL and article 131 of the NYS Education Law.
   b. Prenatal care providers shall promote the delivery of prenatal care services in a culturally sensitive/competent manner to all pregnant women including those with limited English proficiency and diverse cultural and ethnic backgrounds. Interpretation services must be offered to patients whose primary language is not English, in person when practical, or via telephone if a translator is not immediately available.
   c. Prenatal care providers must either have admitting privileges at one or more hospitals or shall develop agreements with planned delivery sites including a system for sharing patient information for continuity and follow-up care.

3. Provider/Specialist/Consultation Requirements:
   Prenatal care providers shall provide pregnant women timely access and referral to appropriate levels of prenatal care, (basic, specialty, and subspecialty), based on her assessed risk status in order to prevent, recognize and treat conditions associated with maternal and infant mortality and morbidity.2
   a. Management of pre-existing medical conditions—Providers shall provide or arrange for the provision of care for the specific needs of a pregnant woman with a pre-existing medical condition, according to current standards of practice.
   b. Transfer of care—Practices shall develop criteria requiring transfer of primary responsibility for patient care from a family medicine practice physician, physician’s assistant, licensed midwife or nurse practitioner to an obstetrician and/or maternal-fetal medicine specialist (high risk obstetrician or perinatologist).
   c. Specialty physician consultation/referral—Prenatal care providers shall develop criteria for consultation and referral for care to a maternal-fetal medicine specialist, perinatologist, high risk obstetrician, specialty physician, behavioral health specialist, including licensed social worker or other health care specialist as necessary based on the identification of specific risk factors or medical conditions requiring additional specialty monitoring and management. Prenatal care providers should follow AAP/ACOG’s early and on-going pregnancy risk specific recommendations for consultation3. Referrals for specialty provider consultations should include:
      i. description of the indication for the consult,
      ii. the role of the consultant during the initial consult
      iii. the role of the consultant during the follow-up care throughout the stages of pregnancy, and
      iv. the sharing of patient/clinical information between the primary care obstetrical provider and the special care consultant.4

B. Access to Care

1. Any pregnant woman who presents for prenatal care should begin receiving care as quickly as possible, preferably the same day. All prenatal care service providers must provide prenatal care services to recipients determined to be presumptively eligible for medical assistance but are not yet enrolled in Medicaid.
2. Prenatal care providers shall assist or refer women for assistance with application for medical assistance and managed care plan selection in accordance with procedures established by the Commissioner.
3. Prenatal care practices must provide or arrange for the provision of 24 hour/7 day week coverage (after hours and weekend/vacation number to call that leads to a person or message that can be returned by a health care professional within one hour). Pregnant women shall have access to unscheduled or emergency visits on a 24 hour basis5.
4. Prenatal care providers must develop systems, or arrange for reminder/call backs to patients needing continued or follow-up services, and for visits requiring follow-up for abnormal test results. Prenatal care providers shall outreach to patients to reschedule missed appointments in a manner that maintains patient confidentiality.
5. Prenatal care providers shall schedule prenatal care visits for an uncomplicated pregnancy consistent with AAP/ACOG recommendations. Pregnant women with medical, obstetrical and/or psychosocial problems may require more frequent visits. The need for increased surveillance is best determined by the prenatal care provider based on the individual needs of the woman, and the nature and severity of her problems.

C. Prenatal Risk Assessment, Screening and Referral for Care

Prenatal care (PNC) providers shall conduct a comprehensive prenatal care risk assessment for both maternal and fetal risks, at the earliest prenatal care visit, on all pregnant women.

1. The risk assessment shall include but not be limited to an analysis of individual characteristics affecting pregnancy, such as genetic, nutritional, environmental, behavioral health, psychosocial and history of previous and current obstetrical/fetal and medical/surgical risk factors. Prenatal care providers are encouraged to use a standardized written risk assessment tool, such as the ACOG, Hollister or POPRAS form. Using established criteria for determining high risk pregnancies, the prenatal care provider shall determine the woman’s risk status based on generally accepted standards of practice.

   a. reviewed at each visit;
   b. used to form the basis for the development of the care plan and;
   c. documented clearly in the medical record.

2. Based on results of the risk assessment and the individual woman’s increased risk for a poor pregnancy outcome, the prenatal care provider shall refer the pregnant woman for follow-up care. Referrals for such care may include but are not limited to: prenatal case management programs provided by managed care plans, other case management programs, home visitation agencies, or community-based programs for prenatal care coordination.

3. In accordance with Public Health Law section 2530-a 2.3. Prenatal care providers shall complete a standardized New York State Prenatal Care Risk Screening Form, which summarizes the results of the comprehensive risk assessment (as described in C.1.) for each new pregnancy. The completion of this risk screening form once during the pregnancy and reporting of the information shall be with the pregnant woman’s informed written consent and shall be in a format to be developed by the Commissioner. If consent and voluntary participation is obtained, prenatal care providers shall complete the New York State Prenatal Care Risk Screening Form at the earliest prenatal care visit and transmit the information in a confidential manner to be determined by the Commissioner.

D. Psychosocial Risk Assessment, Screening, Counseling and Referral for Care

Prenatal care providers shall conduct a psychosocial risk assessment of all pregnant women during the first prenatal care visit. The assessment should be reviewed at each visit and formally repeated early in the third trimester and postpartum to identify important issues that may have developed over time. The assessment shall include a broad range of social, economic, psychological and emotional problems. Screening should include but not be limited to assessment of barriers to care, unstable housing, communication barriers (e.g. language and/or cultural barriers), nutrition, tobacco use, substance use, depression or other psychiatric illness, safety, domestic abuse, sexual abuse, and stress. Based on the results of this assessment the providers shall identify areas of concern, validate major issues with the patient, provide information, and if indicated, provide treatment or make appropriate referral(s).

The psychosocial risk assessment shall include but not be limited to screening for the following:

1. Tobacco Use—Prenatal care providers shall assess all pregnant women about their past and present use of tobacco and exposure to second hand smoke. All pregnant women should be advised to avoid or minimize time spent in the presence of tobacco smoke. The patient who smokes should be strongly advised to stop smoking and be provided with tailored counseling to assist in smoking cessation. Patients who smoke shall be offered a referral to an appropriate smoking cessation education and/or treatment program.

2. Substance Use—Prenatal care providers shall assess all pregnant women about their past and present use of all substances, including drugs, alcohol, or the use of any prescription or nonprescription medications, including herbal supplements. The possible effects of any substances used before or during pregnancy should be discussed. A woman who acknowledges the use of any substances should be counseled about the implications of their use during pregnancy, and strongly encouraged to refrain from use of any substances that may negatively affect her or her fetus. If appropriate the woman should be offered a referral to a treatment program.

3. Domestic Violence—Prenatal care providers shall screen all pregnant women for domestic violence. Descriptions of domestic abuse from the patient should be documented in the patient’s medical record, safety of the patient and family shall be ascertained and referrals made to appropriate counseling, legal and social-service advocacy programs.
4. Depression—Prenatal care providers shall screen pregnant and postpartum women for depression utilizing an appropriate screening tool, and should have a system in place to ensure that positive screening results are followed by accurate diagnosis, implementation of treatment, and follow-up either within the practice or through referral.

E. Nutritional Screening, Counseling and Referral for Care

Prenatal care providers shall provide or arrange for the provision of nutritional and physical activity screening, counseling and referral which includes:

1. Individual nutritional risk assessment including an assessment of pre-pregnancy BMI, weight gain to date, if any, and specific nutritional risks at the initial prenatal care visit and continuing reassessments as needed;
2. Documentation of the nutritional assessment, risk status and the plan of care in the patient's medical record;
3. Referral of pregnant women identified as being at nutritional risk for specific nutritional counseling, monitoring and follow-up;
4. Provision of basic nutrition education and counseling for each pregnant woman which includes:
   a. appropriate dietary intake and recommended dietary allowances during normal pregnancy;
   b. recording of height and weight at the initial prenatal visit to allow for the calculation of the BMI and sequential weight monitoring at each visit. Parameters of appropriate weight gain should be made based on the pre-pregnancy BMI categories recommended in the 2009 Institute of Medicine (IOM) guidelines;
   c. focused approach to nutrition counseling based on AAP/ACOG guidelines which includes exercise and lifestyle changes for all women, but particularly for women with a BMI in the obese (BMI>30) or underweight (BMI<18.5) range; and
   d. counseling and education regarding infant feeding choices discussed with the woman during prenatal visits and immediately postpartum. Prenatal care providers should support breast feeding by counseling the patient regarding the nutritional advantages of human breast milk and should provide her with information regarding the benefits of breast feeding for both the mother and infant. Exclusive breastfeeding is recommended for the first 6 months of life and should be continued along with supplemental foods through the second half of the first year of life and for as long as desired thereafter. Breastfeeding is not recommended for HIV positive women and may be medically contraindicated in other situations. Income eligible women considering breastfeeding should be referred to the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) for breastfeeding education and support.
5. Referral of pregnant women identified as needing to access proper nutrition and assistance in obtaining supplemental food to programs such as the Supplemental Nutritional Assistance Program (SNAP) or the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).
6. Special considerations for underweight and/or overweight/obese women:
   a. Prenatal care providers shall assess and counsel underweight and overweight/obese women regarding the increased risk for pregnancy complications related to their weight and encourage these women to participate in a lifestyle improvement program, including diet, exercise, and behavior modification.
   b. Prenatal care providers shall consider screening obese patients for gestational diabetes upon presentation or in the first trimester, and repeat screening later in the pregnancy if results are initially negative.

F. Health Education

Prenatal care providers shall provide or arrange for the provision of health and childbirth education based on an assessment of the pregnant woman's individual needs. Prenatal care providers should focus on the pregnant woman's ability to comprehend the information and use materials appropriate to the educational, cultural and language needs of the patient as well as her gestational history. Such services shall be provided by professional staff, documented in the medical record and shall include but not be limited to the following:

1. Rights and responsibilities of the pregnant woman;
2. Signs and symptoms of complications of pregnancy;
3. Physical activity, exercise and recommended weight gain during pregnancy;
4. Avoidance of harmful behaviors including the use of alcohol, drugs, non-prescribed medications and nicotine;
5. Sexuality during pregnancy;
6. Occupational and environmental concerns including lead exposure;
7. Risks of HIV infection and risk reduction behaviors;
8. Signs of labor;
9. Labor and delivery process and availability of various delivery options;
10. Relaxation techniques in labor;
11. Obstetrical anesthesia and analgesia;
12. Preparation for parenting including infant development and care, options for feeding and the benefits of breast feeding;
13. Newborn screening program, including the distribution of newborn screening literature;
14. Family planning and optimum inter-pregnancy interval.

G. Development of a Care Plan and Care Coordination

Prenatal care providers shall develop a care plan jointly with each pregnant woman which addresses the problems identified as a result of the initial and ongoing risk assessments. The care plan shall describe the implementation and coordination of all services required by the pregnant woman, be routinely updated and implemented jointly by the pregnant woman, her family and the appropriate members of the health care team.

1. Care shall be coordinated to:
   a. Ensure that relevant information is exchanged between the prenatal care provider and other providers, health plan case managers or sites of care including the anticipated delivery site.
   b. Ensure that the pregnant woman and her family or other designated representative, with her consent, have continued access to information resources and are encouraged to participate in the decisions involving the care and services being provided.
   c. Encourage and assist the pregnant woman in obtaining necessary medical, dental, nutritional, psychosocial, drug and substance abuse services appropriate to her identified needs.
   d. Provide the pregnant woman with an opportunity to receive prenatal and postpartum home visitation when medical and/or psychosocial benefits may be derived from the visits.
   e. Provide to or refer the pregnant woman for needed services as identified in the risk assessment.
   f. Obtain special tests and services that may be recommended or required by the Commissioner of Health, when necessary to protect maternal and/or fetal health. Pregnant women shall be provided appropriate medical care, counseling and education based on test results.

2. The prenatal care provider shall coordinate labor and delivery services by developing agreements with planned delivery sites which address, at a minimum, the following:
   a. a system for sharing prenatal medical records, including HIV test results;
   b. pre-booking of women for delivery by 36 weeks gestation for low risk pregnancies and by 24 weeks gestation for high risk pregnancies;
   c. scope of services; and
   d. sharing of delivery/birth outcome information.

3. The prenatal care provider shall arrange for postpartum home visitation care as necessary and available when the mother and/or newborn may derive medical, physical and/or psychosocial benefits from such visits.

H. Prenatal Care Services

Prenatal care providers shall provide or make arrangements for the provision of comprehensive prenatal care services in accordance with generally accepted standards of professional practice, as outlined by the AAP and ACOG.\textsuperscript{11}

1. Prenatal diagnostic and treatment services shall include but not be limited to the following:
   a. Comprehensive assessment—An initial comprehensive assessment including history, review of systems, and physical examination.
   b. Standard and special laboratory tests—Based on AAP/ACOG recommendations, standard and special laboratory tests and procedures should be performed at the recommended gestational age.
i. Follow-up, evaluation of results and referral—Follow-up shall be conducted as indicated based on abnormal findings from the comprehensive assessment, results of preliminary abnormal laboratory test findings and repeat testing of women considered to be at high risk. Prenatal care providers shall discuss the following with the pregnant woman:

   ii. findings from the comprehensive assessment,
   iii. results of all laboratory tests,
   iv. recommendations for additional testing,
   v. treatment options and obtaining informed consent for treatment,
   vi. technological support and referrals as necessary.

2. HIV Services
   a. Prenatal HIV Counseling and Testing
   b. Prenatal care providers shall provide HIV counseling to all pregnant women as early as possible in the pregnancy without regard to risk. Counseling shall be provided and informed consent obtained prior to HIV testing and shall be consistent with the requirements described in Article 27F of the Public Health Law and NYCRR Title 10 Section 63.3. A repeat third trimester test, preferably at 34–36 weeks should be routinely recommended to all pregnant women who tested negative early in prenatal care to identify sero-conversion after an initial negative prenatal HIV test. The New York State Department of Health Informed Consent to Perform HIV Testing (DOH Form–2556), allows the pregnant woman to receive counseling for both tests at the initial counseling and to sign for both tests at that time.

   The pregnant woman should be counseled about benefits to knowing her HIV status, specifically the significant reduction in risk of mother-to-child HIV transmission with the provision of antiretroviral (ARV) prophylaxis to HIV-positive women during pregnancy, at delivery and to the newborn. The pregnant woman should be informed that if she does not have a prenatal test, she will be HIV-counseled again when she presents for delivery, and that expedited testing will be done on her, with her consent, or on the newborn, without her consent. She should also be told that all newborns are routinely screened for HIV as part of the Newborn Screening Program, as a final safety net to identify exposed infants.

   Pregnant women who receive negative test results should be provided with their results and if at continued risk for developing HIV, encouraged to access HIV prevention programs and services appropriate to their risk(s).

   Pregnant women who receive positive HIV test results should be provided with post-test counseling consistent with Public Health Law section 2781 and Part 63 regulations and will be provided necessary care and/or appropriate referrals for services.

   Prenatal care providers should transfer information regarding a prenatal patient’s HIV counseling and testing status, including a copy of the result, if one exists, to the delivery setting. Routine consent procedures for the transfer of medical records are sufficient to authorize the transfer of HIV-related information to health care providers.

   c. Care of an HIV-Positive Pregnant Woman

      Management of antiretroviral (ARV) medications during pregnancy should be done by, or in consultation with, an experienced HIV specialist familiar with state and federal clinical guidelines for the care of HIV-positive pregnant women and the prevention of mother-to-child HIV transmission. Breastfeeding is not recommended for HIV-positive women where there are good alternatives.

3. Dental care
   The prenatal care provider shall conduct an assessment of the woman’s oral health care needs at the first prenatal care visit. The assessment shall include but not be limited to interviewing the patient regarding current oral health problems, previous dental problems, and the availability of a dental provider. Pregnant women identified as having a current oral health problem or not having a dental visit in the past six months should be referred to a dentist as soon as possible, preferably before 20 weeks gestation. The prenatal care provider shall educate the pregnant woman about the importance of oral health and that dental care is safe during pregnancy. Oral health care should be coordinated between the prenatal care provider and the dentist.

4. Immunizations
   Pregnancy is not an absolute contraindication to any vaccination. Some vaccines are strongly recommended for pregnant women during the prenatal period. Many women will not be up-to-date and each pregnant woman should be evaluated for immunization status. Guides for immunizing during and after pregnancy are available from the Centers for Disease Control and Prevention (CDC) and the New York State Department of Health Bureau of Immunization.

   a. All pregnant women shall be evaluated for serologic evidence of immunity to rubella at their first prenatal visit, unless known to be immune by documentation of a previous test. Varicella immunity shall also be assessed by either a reliable history of disease, laboratory evidence of previous disease or documented receipt of two doses of vaccine.

   b. Influenza vaccine is strongly recommended for all pregnant women due to the increased risk of influenza-related complications among pregnant women. Providers should advocate for influenza vaccination and provide the
influenza vaccine to their pregnant patients. Pregnant women should only receive the trivalent inactivated influenza vaccine (TIV), and not the live attenuated influenza vaccine (LAIV), the nasal spray.

c. The following immunizations are recommended for women at risk for these diseases and who do not have a history of immunity:
   i. Hepatitis B—A pregnant woman’s risk of acquiring Hepatitis B Virus (HBV) should be assessed along with her risk of acquiring other sexually-transmitted infections. Pregnant women who have been identified as being at risk for HBV infection should be vaccinated. Pregnancy is not a contraindication for HBV vaccination, and limited evidence does not suggest any fetal harm from the HBV vaccine.
   ii. Tetanus, Diptheria/Tetanus, Diptheria, Pertussis booster (Td/Tdap)—Pregnant women who have not received a Td booster within the last 10 years and require immediate protection against tetanus and diphtheria (e.g. wound prophylaxis) should be vaccinated with Td based on the severity of the risk of tetanus and the need to be immunized. Immunization with Td during pregnancy is preferred in the 2nd or 3rd trimester.
   iii. Due to the burden of pertussis disease in vulnerable newborns, pregnant women should receive a dose of Tdap during each pregnancy, regardless of prior immunization history, optimally between 27 weeks and 36 weeks. Tdap may be given at any time during pregnancy and there is no evidence of adverse fetal effects from administrating inactivate viral or bacterial vaccines or toxoids during pregnancy. For women who have not previously received Tdap, if it was not administered during pregnancy, Tdap should be administered immediately postpartum. By providing the Tdap vaccine to women during pregnancy, infants will gain pertussis antibodies during the time they are most vulnerable—before 3 months of age. The infant’s immune response to DTaP may not be as strong; however, based on a recent study looking at this issue, this interference does not seem to cause any problems when it comes to protecting infants. Researchers are still working to better understand this issue. The benefits of vaccinating during pregnancy and protecting a newborn during the most vulnerable time outweigh the potential risk of blunting an infant’s response to DTaP vaccine.
   d. Other pregnancy related immunization issues:
      i. New York State Public Health Law 2500-e requires that every pregnant woman be tested for the presence of hepatitis B surface antigen (HBsAg) and that the test results and the date are documented in the prenatal record. It also requires that infants of women who are hepatitis B surface antigen positive or whose test results are unknown receive treatment at birth with hepatitis B vaccine and hepatitis B immunoglobulin (HBIG).
      ii. New York State Public Health Law 2112 (effective July 1, 2008) prohibits the administration of vaccines containing more than trace amounts of thimerosal, a mercury-containing preservative, to pregnant women, unless the supply is insufficient. There is no evidence that thimerosal causes harm to the pregnant woman or her fetus.
   e. Postpartum Period—The following vaccinations or a history of immunity are recommended for all postpartum women: influenza, MMR (measles, mumps, rubella), Tdap, varicella and human papilloma virus. An adult schedule should be checked for appropriate indications in regard to age, previous history of disease or prior history of vaccination.

Women who plan to breastfeed can and should receive vaccinations as no evidence exists of any risk to a mother or her infant if she is vaccinated while breastfeeding. Breastfeeding is not a contraindication to any vaccination, with the exception of vaccinia vaccine.

5. Lead Poisoning Prevention, Testing and Management

As required by NYS Public Health Law and Regulations (NYCRR Subpart 67-1.5), prenatal health care providers shall provide all pregnant women with anticipatory guidance on preventing lead poisoning, information on the major sources of lead and the means to prevent exposure while pregnant. At the initial prenatal visit, each pregnant woman shall be assessed for exposure to lead by using a risk assessment questionnaire recommended by the State Commissioner of Health. If the pregnant woman responds “yes” to even one of the questions, or the provider suspects lead exposure, she is considered to be at risk, and should have a blood lead test and be counseled on how to eliminate lead exposure. HCPs are also required to provide anticipatory guidance on the prevention of childhood lead poisoning at the woman’s first postpartum visit. The New York State Department of Health (NYSDOH) is in the process of updating the NYSDOH Lead Poisoning Prevention Guidelines for Prenatal Care Providers. During the interim, please use the 2010 Centers for Disease Control and Prevention “Guidelines for the Identification and Management of Lead Exposure in Pregnant and Lactating Women.” These guidelines are based on the best available scientific information and provide practical considerations regarding preventing lead exposure during pregnancy, assessment and blood lead testing during pregnancy, medical and environmental management to reduce fetal exposure, breastfeeding, and follow-up for infants and children exposed to lead in utero. Highlights included pregnant or lactating women with a confirmed venous BLL:
   • 5 micrograms per deciliter (ug/dL) or greater, should receive risk reduction counseling and follow-up testing
      ◦ prenatal HCP and pediatrician must communicate to ensure newborn has a lead test at birth and follow-up testing is done as needed
      ◦ Encourage breastfeeding and monitor infant’s BLL.
• 10µg/dL or greater, who may have been occupationally exposed to lead, should be medically removed from the workplace exposure
  ○ Refer the pregnant woman to the local health department for an evaluation of available services
  ○ Contact a Regional Lead Resource Centers (RLRC)\textsuperscript{24} for consultation
• 15µg/dL or greater, assist local health department with complete exposure source assessment
• 45µg/dL or greater, should be referred to an RLRC for medical management and possible chelation therapy.

5a. Lead Poisoning, Prevention, Lead Testing and Reporting
• The New York State Department of Health (NYSDOH) recently adopted changes to Administrative Rules and Regulations Subparts 67-1 and 67-3 regarding childhood lead poisoning screening, reporting and follow-up. The Notice of Adoption was published in the State Register on May 6, 2009, and the amendments are effective on June 20, 2009.
• In addition, several changes to New York State Public Health Law related to lead testing and reporting were recently enacted as part of the 2009 state budget process. Unless otherwise stated, these changes are effective immediately.
• This guidance document summarizes the combined statutory and regulatory changes. It is a companion document to another guidance document currently under development that summarizes changes that directly affect laboratories that conduct blood lead testing, including Physician Office Laboratories and Limited Service Laboratory Registrants. These guidance documents and complete copies of the amended Public Health Law and regulations will be available on the NYSDOH Web site at: www.nyhealth.gov/environmental/lead.
• Require POLs and Limited Service Laboratory Registrants that conduct blood lead testing to report all results to the New York State Department of Health (NYSDOH). (PHL Sections 1370-e and 2168-a; NYCRR subparts 67-1.2 and 67-1.3)
• Require that health care providers confirm capillary blood lead test results ≥ 10 micrograms per deciliter (µg/dL) using venous blood samples. This updates the previous regulation, which required confirmation of capillary test results above 15 mcg/dL, and is consistent with national guidelines from the Centers for Disease Control and Prevention (CDC) to maximize the identification of children with lead poisoning. Note that for point-of-care testing using waived test methods, such as the LeadCare II\textsuperscript{\textregistered} device, NYS DOH has established a confirmation threshold level of > 8 mcg/dL. See practice standards for use of CLIA-waived point of care test devices at www.nyhealth.gov/environmental/lead. (NYCRR Subpart 67-1.2) 5) Eliminate use of the term “certificate of lead screening”.
• Laboratories must notify the health care providers ordering the tests of BLLs > 45 µg/dL for all children under the age of eighteen years within 24 hours of analysis. Health care providers in turn must notify the local health departments of BLLs ≥ 45 µg/dL for all children under the age of eighteen years within 24 hours of notification by the laboratories. (NYCRR Subparts 67-3.1 and 67-3.2)
• Additional information available at: https://www.health.ny.gov/environmental/lead/laws_and_regulations/docs/summmary_of_changes_phl_for_lead.pdf

6. Use of Ultrasound
Prenatal care providers must document the medical indication for performing an ultrasound examination of a pregnant patient based on identified need. Ultrasound for gestational dating is recommended, especially before 20 weeks, if there is a size-date discrepancy or imprecise menstrual dates.\textsuperscript{25} Ultrasonography shall be provided only by physicians or technologists who have undergone training and only when there is a valid medical indication for the examination documented in the woman’s medical record by a qualified prenatal care provider.\textsuperscript{26} AAP/ACOG guidelines should be followed when recommending an ultrasound exam. Common indications for ultrasound include but are not limited to evaluation for gestational age; fetal number, viability, placenta location, abnormal amniotic fluid volume, fetal growth disturbances, fetal anomalies and aneuploidy screening.\textsuperscript{27}

7. Screening for Genetic Disorders
Prenatal care providers shall offer all pregnant women additional maternal/fetal screenings to identify fetal abnormalities/genetic problems as follows:

a. Birth defects—Prenatal care providers shall offer all pregnant women screening tests to identify birth defects at specific times throughout the prenatal period based on AAP/ACOG recommendations.

b. Invasive diagnostic testing for aneuploidy should be available to all women regardless of maternal age. Early amniocentesis (at less than 15 weeks gestation) should not be performed.\textsuperscript{28}

c. Pregnant women should be counseled regarding the differences between screening and invasive diagnostic testing for aneuploidy including a discussion of the risks and benefits of the invasive test compared with other available screening tests. Pregnant women who choose not to undergo invasive diagnostic testing for aneuploidy shall be offered aneuploidy screening before 20 weeks gestation regardless of maternal age.\textsuperscript{29}

d. Prenatal care providers should offer information on cystic fibrosis screening to all couples and cystic fibrosis carrier screening should be offered to all couples regardless of race or ethnicity.\textsuperscript{30}

e. Prenatal genetic screening or diagnosis should be offered to pregnant women based on personal and family history. Genetic screening and counseling criteria should be based on AAP/ACOG recommendations. This includes screening for genetic disorders based on racial and ethnic background, such as hemoglobinopathies
8. Fetal Well-Being

Tests of fetal well-being are indicated in the presence of specific maternal and pregnancy-related conditions and shall be performed based on the judgment of a qualified prenatal care provider according to individual patient need. There are several tests used in clinical practice to assess fetal status, each test has advantages, disadvantages as well as risks. The prenatal care provider, based on clinical judgment and recommended AAP/ACOG guidelines should choose the test that best meets the needs of the pregnant woman and her fetus and initiate testing at the appropriate gestational age. The test results and the interpretation shall be discussed with the pregnant woman, documented in the medical record and appropriate referrals initiated as soon as possible.

I. Postpartum Services

The prenatal care provider shall schedule a postpartum visit based on the woman’s identified needs and in accordance with AAP/ACOG’s recommended schedule, (approximately 4–6 weeks after delivery but no later than eight weeks after delivery; women with a complicated gestation or delivery by cesarean section should have a visit scheduled within 7–14 days of delivery). The visit should include an interval history and a physical examination to evaluate the patient’s current status and her adaptation to the newborn.

1. The visit shall include but not be limited to the following:
   a. identify whether any medical, dental, psychosocial (including depression), nutritional (including breastfeeding), tobacco/smoking cessation needs, alcohol and drug treatment needs of the mother or infant are being met;
   b. provide anticipatory guidance on the prevention of childhood lead poisoning;
   c. refer the mother or other infant caregiver to resources available for meeting identified needs and provide assistance in meeting such needs where appropriate;
   d. assess family planning/contraceptive needs and provide advice and services or referral when indicated;
   e. provide appropriate inter-conception counseling including information such as recommended preconception daily intake of folic acid (400 mcg) as per CDC and ACOG guidelines and encourage a preconception visit prior to subsequent pregnancies;
   f. refer the infant to preventive and special care services appropriate to his/her needs;
   g. advise the mother/caregiver of the availability of Medicaid eligibility for infants; and
   h. advise or refer the mother for assistance with an application for on-going medical care assistance for herself, in accordance with her financial status, health assistance program eligibility and the policies and procedures established by the Commissioner of Health and the State of New York.
   i. recommend that overweight/obese women continue a nutrition and exercise regimen after pregnancy to encourage weight loss before attempting another pregnancy.

2. The prenatal care provider shall arrange for postpartum home visitation as necessary when the mother and/or newborn may derive medical, physical and/or psychosocial benefits from such visits.

3. Postpartum documentation by the prenatal provider shall include: delivery outcome, maternal physical exam, health status of the mother/infant including medical, nutritional, psychosocial needs with referrals.

Questions and Answers

- Prenatal Care Providers Questions & Answers

References

2. AAP/ACOG, Chapter 1, pgs. 2 and 8.
5. AAP/ACOG Guidelines, pg. 87.
7. Medicaid currently covers up to six (6) smoking cessation counseling sessions within a 12-month period. Effective January 1, 2010, Medicaid will cover smoking cessation counseling for up to 180 days postpartum.

Revised December 2017
22. New York State Department of Health, Lead Poisoning Prevention Guidelines for Prenatal Care Providers.
23. 2010 Centers for Disease Control and Prevention “Guidelines for the Identification and Management of Lead Exposure in Pregnant and Lactating Women”.
24. Regional Lead Resource Centers (RLRC).
25. AAP/ACOG, pgs. 110-112.
26. AAP/ACOG, pg. 102.
31. AAP/ACOG. Pgs. 84-84.

**Medicaid Quality Improvement Reports**

New York State Department of Health Medicaid Perinatal Care Study.

Revised October 2010
Capital District Physicians’ Health Plan, Inc.
Perinatal Health—Data Collection Tool

Date: ____________________ MD: ___________________________ OB / FP Provider ID: _______________
Nurse Reviewer: ____________________________ Goal: 90%

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<th>Member Name:</th>
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**HISTORY**

1. Family History
2. Social Assessment
3. Psychological assessment
   - Depression
   - Issues of abuse
4. Was a standardized depression screening tool used?
5. Was the patient prescribed anti-depressive medication?
6. Was the patient referred?
7. Issues of abuse
8. Activity
9. Environmental Risks
10. Tobacco
11. Does patient smoke? (Y) (N)
    - (Quit when pregnant)
    - SMK accounts for 20–30% of LBW
12. Was smoking cessation options discussed? (Y) (N)
13. Alcohol
14. Substance Abuse
15. BMI (1st visit)
16. Nutritional Assessment
17. WIC form (if applicable)
18. Medical History
19. Oral health needs
20. Allergies Documented
21. Exposure to lead
22. Risk Assessment

**INITIAL PHYSICAL EXAM**

23. Full System Review
24. Pelvic Exam
25. Breast Exam
26. Abdominal Exam

**INITIAL LABWORK**

27. Hgb Electrophoresis
28. H / H
29. Lead if at risk
30. Blood Type/Rh/antibody
31. RPR/VDRL
32. Hepatitis Screen
33. Rubella Titer
34. HIV offered
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**INITIAL LABWORK (continued)**

35. Cervical Cytology, if indicated
36. STD screen
37. Urine culture

**SUBSEQUENT VISITS**

38. Every 4 weeks until 28 weeks
39. Every 2–3 weeks until 36 weeks
40. Weekly after 36 weeks

**SUBSEQUENT VISITS**

38. Every 4 weeks until 28 weeks
39. Every 2–3 weeks until 36 weeks
40. Weekly after 36 weeks

**Number of prenatal visits kept**

**SUBSEQUENT LABWORK**

41. 8–18 weeks MSAFP/Multiple Markers (if indicated)
42. 24–36 weeks H/H
43. 24–36 weeks (1 or 2 hour glucose)
44. 26–28 weeks RPR/VDRL
45. 32–36 weeks GC/Chlamydia
46. 35–37 weeks GBS culture
47. 36–40 weeks HIV

**SUBSEQUENT VISITS SHOULD INCLUDE:**

48. Weight
49. Blood Pressure
50. Dipstick urinalysis
51. Fetal Heart rate
52. Fetal Growth
53. Risk Assessment

**EDUCATION**

54. Health Education
55. Childbirth Classes

**POST-PARTUM**

56. Postpartum visit
57. Within 21–56 days
58. Re-evaluate Risk factors
59. Physical examination

60. Depression Screening
61. If yes to #49, is she being treated?
62. Family planning counseling
63. Review HIV & STD risk
64. Adjustment to infant
65. Identify infant MD and follow-up care
66. Feeding method documented

67. Type of feeding method
   A) breast B) bottle C) both
   a. Baby’s Birth Weight (if available)
Initial History:
- Family history: Documentation should include pertinent family medical history, including chronic family illnesses, psychological issues, and genetic screening results.
- Social Assessment: Documentation should include father of baby (FOB) involvement, domestic violence screen, sexual assault issues, employment status, family make-up, and living situation. This assessment is aimed towards early detection of potential psychological, economic, emotional, and/or social issues. Acceptable documentation includes completion of psychosocial section of a standardized form or a progress note including a full assessment. A checklist on a standardized form that does not include the assessment elements (simply states psychosocial assessment completed) is accepted as minimal for a “yes” response.
- Psychological assessment: 1. Depression; If yes: was a standardized tool used? If depression present, was the patient prescribed anti depressive medication?, was the patient referred? 2. Issues of abuse: Documentation should indicate that the patient was assessed for psychological issues.
- Activity: Documentation of exercise or occupational activity such as heavy lifting at work, skiing, aerobics, horseback riding, etc.
- Environmental Risks: Assessment of exposure to harmful chemicals, lead, second-hand smoke, or toxoplasmosis (soiled cat litter) in the home and/or work environment.
- Screening/counseling for tobacco. Score “yes” if there is screening and counseling is documented for positive use. Score “no” if screening is not found or if there is no documentation of counseling for a positive use.
- Does patient smoke? This is informational only. Mark “yes,” “no,” or “Quit when pregnant.”
- Screening/counseling for alcohol. Score “yes” if there is screening and counseling is documented for positive use. Score “no” if screening is not found or if there is no documentation of counseling for a positive use.
- Screening/counseling for substance abuse. Score “yes” if there is screening and counseling is documented for positive use. Score “no” if screening is not found or if there is no documentation of counseling for a positive use.
- Weight assessment: Is the patient’s BMI documented at the first visit? (Y) (N)
- Nutritional Assessment: Encouraged to be done at the first prenatal visit, but adequate if done within the first trimester. Documentation of nutritional assessment to include screening for specific nutritional risk conditions, understanding of, and compliance with, basic nutritional needs in pregnancy, and provision, if eligible, for enrollment in a supplemental food program (i.e., Women, Infants and Children).
- WIC: Members qualify for WIC if they receive Medicaid, public assistance, food stamps, or meet income and family size guidelines. A notation of “diet adequate,” 24-hour diet recall, or a standardized form that does not include the assessment elements is acceptable as a minimal for a “yes” response. Score “no” of WIC form is not found in chart. Score “NA” if not Medicaid, or being cared for by a guardian.
- Medical History: Data relating to the patient’s medical history such as chronic illnesses (DM, HTN, cancer); past surgeries, hospitalizations, and/or accidents.
- Assessment of oral health needs. (Y) (N)
- Allergies documented: Documentation of allergies, or lack of, in the medical record, not just on the chart cover.
- Assessment of lead exposure. (Y) (N)
- Risk Assessment: Documentation of assessment for high-risk pregnancy status, to include an analysis of genetic, nutritional (e.g. PKU, anorexia), psychosocial, medical-surgical, and obstetric risk factors. Assessment must include, at a minimum, a history of health (medical), obstetrical, and psychosocial risk factors. The assessment information may be recorded on a standard risk assessment tool, or may be pulled from different locations within the medical record. Assessment should be performed at the initial visit, but may occur during the first two visits.

Initial Physical Exam:
- Exam: Documentation should include enough detail to verify that an exam was completed and should include pelvic, breast, and full system review (head, heart, lungs, extremities, and abdomen). PE = WNL is NOT acceptable. Height, weight and blood pressure should also be documented.
**Initial Labs:**
Screening labs should be ordered on the initial visit and reviewed by the provider and followed up as appropriate.

- Hemoglobin Electrophoresis should be drawn based on risk for hemoglobinopathies (thalassemia, sickle cell) due to genetic heritage, country of origin or family history. Ethnic populations considered to be at risk include African-American, Arabic, Asiatic Indian, Caribbean, Central/South American, Egyptian, Hispanic, Iranian, Italian, Southeast Asian, and Turkish. Score “no” if sickle cell prep is done instead. Score “NA” if the woman is not at risk, has a known positive sickle cell trait or other hemoglobinopathy, has had a negative screen in the past, or race/ethnicity cannot be determined.
- Hemoglobin and Hematocrit
- Lead level (if at risk)
- Blood Type, Rh, and Antibody screen
- Syphilis Screening: VDRL/RPR in the first trimester. REQUIRED BY LAW.
- Hepatitis B Surface Antigen. REQUIRED BY LAW.
- Rubella Titer: May be drawn with the initial labs, or determined from prior testing.
- HIV Test offered: Should be offered on the first visit, but may be offered at anytime during the prenatal period. Score “yes” if the test is offered, score “no” if testing not offered. Score “NA” if patient is known HIV positive.
- HIV Testing: Score “yes” if the patient agrees to testing, score “no” if not offered, and “NA” if patient refused or is known HIV positive.
- Cervical Cytology: If indicated.
- STD Screen: GC and Chlamydia—High risk, Select Plan, Family Health Plus, and Child Health Plus members must have screening done at initial visit. Should be repeated in third trimester as clinically indicated. Score “yes” if cultures obtained, “no” if not done.
- Urinalysis: Should include a test for asymptomatic bacteria. Should not be a dipstick.

**Subsequent Visits:**
- Every 4 weeks until 28 weeks
- Every 2–3 weeks until 36 weeks
- Weekly after 36 weeks
- Number of prenatal visits kept. Informational only.
- There may be deviation from these schedules due to missed appointments/cancellations, score “no” if patient is a No-Show, even if the provider has attempted to bring the patient in for scheduled visits. More frequent visits may be required to monitor conditions including proteinuria, decreased fetal movement, risk of pre-term labor, multiple gestation, history of adverse pregnancy outcome, diabetes, heart disease, heart disease, substance abuse, and pregnancy induced hypertension (PIH).

**Subsequent Labs:**
- MSAFP/Multiple Markers (if indicated): Score “yes” if results are in chart, score “no” if not offered, score “NA” if patient refuses or if gestational age is greater than 18 weeks on initial visit.
- Hemoglobin & Hematocrit at 24–36 weeks: score “NA” if patient fails to comply.
- Blood Glucose (1 or 2 hour): 24–28 weeks, score “yes” if results in chart, score “no” if not offered, score “NA” if patient is instructed and fails to comply, or is a known diabetic.
- RPR/VDRL: Based on risk between 26–28 weeks, score “NA” if pt fails to comply.
• GC/Chlamydia: based on risk between 32–36 weeks. Score “yes” if cultures were done, score “no” if not done when risk factors are documented. Score “NA” if office practice does not include such cultures, and there is documented risk.

• GBS: Group B strep: 35–37 weeks per CDC guidelines. Score “yes” if cultures are present, score “no” if not done, score “NA” if delivery is prior to 36 weeks (and cultures could not be done).

• HIV: 36–40 weeks per CDC guidelines. Score “yes” if cultures are present, score “no” if not done, score “NA” if delivery is prior to 36 weeks. Informational only.

Assessment at Subsequent Visits should include:

• Weight
• Blood Pressure
• Dipstick Urinalysis
• Fetal Heart Rate: May be documented with an actual rate or + sign. May not be heard prior to 11 weeks (NA).
• Fetal Growth: can be assessed by fundal height, or ultrasound exam. Measurement usually begins in the 2nd trimester.
• Risk Assessment: should include emerging OB and/or medical/surgical risks/problems. Documentation should include any previously identified problems with ongoing assessment, as well as assessment of new issues, i.e., HA, N/V, fetal movement, premature ROM, etc.

Health Education:

• Health Education: Services should be offered based on need, may be documented on checklist, flow chart, or narrative note. The following topics should be discussed in the prenatal period: S/S of pregnancy complications (including PTL), physical activity and exercise, avoidance of harmful practices/substances, sexuality during pregnancy, occupational concerns, S/S of labor, L&D process, pediatrician selection, preparation for parenting, feeding method, family planning.
• Childbirth Education: Parents should be encouraged to attend childbirth prep classes. Score “yes” if offered, encouraged, or attended. Score “no” if there is no documentation of classes being offered, encouraged or attended. Score “NA” if there is no need for classes (second pregnancy, or documentation that the parent understands the process), or if declined.

Post-Partum Visits:

• Postpartum Visit
• Within 21–56 days
• Re-evaluation of risk factors
• Physical exam: Should include pelvic, abdominal, breast exam, weight, and blood pressure. Score “no” if any items are not documented.
• Assessed for depression
• If yes to #57, documentation that the patient was being treated for her depression.
• Family planning/counseling
• Review HIV/STD risks including infant HIV testing results, coitus since delivery, or prior history of STDs. This should be reviewed at the postpartum visit, even if no risks were found antepartum.
• Adjustment to infant should include assessment of support structures, amount of rest mother is getting, and how partner/siblings are adjusting to infant.
• Infant MD: practitioner should be identified, with documentation of first well-child visit. Parents must also understand the importance of continued follow-up to assure identification medical/behavioral health issues that may arise. Need name of provider and documentation of follow up appointment. Documentation on the hospital record of the pediatrician is acceptable.
• Feeding method documented (breast or bottle). Type of feeding method A) breast B) bottle C) both.
• Baby’s Birth Weight (of available)
Other Obstetrical/Gynecological Care Forms Available

Among many other resources available to you under “Health Guides” in the Provider section of www.cdphp.com are the following:

- OB/GYN—Report to PCP
- OB/GYN—Prenatal Risk Assessment Form and Definitions

NOTE: Each form is developed from guidelines that are reviewed and updated at a minimum of every two years or as needed by the CDPHP Quality Management Committee.

STD/HIV Screening and Reporting

- NYS DOH HIV Testing Toolkit
- STD Screening and Reporting

Policies and forms may change during the year. Always refer to the Web site for the most up to date versions.

For a paper copy of any of the information listed, please call the CDPHP provider service department at 1-800-926-7526.
Amended HIV Testing Public Health Law

On July 30, 2010, Governor Paterson signed Chapter 308 of the Laws of 2010, making significant changes to HIV testing practices in New York State.

Key provisions of the new legislation include:

- HIV testing must be offered to all persons between the ages of 13 and 64 receiving hospital or primary care services with limited exceptions noted in the law. The offering must be made to inpatients, persons seeking services in emergency departments, persons receiving primary care as an outpatient at a clinic or from a physician, physician assistant, nurse practitioner or midwife.

- Consent for HIV testing can be part of a general durable consent to medical care, though specific opt-out language for HIV testing must be included. Model language from the New York State Department of Health appears on the following pages.

- Consent for rapid HIV testing can be oral and noted in the medical record.

- Prior to being asked to consent to HIV testing, patients must be provided the following seven points of information about HIV required by the Public Health Law:

  1. HIV is the virus that causes AIDS and can be transmitted through unprotected sex (vaginal, anal, or oral sex) with someone who has HIV; contact with blood as in sharing needles (piercing, tattooing, drug equipment including needles), by HIV-infected pregnant women to their infants during pregnancy or delivery, or while breast feeding.

  2. There are treatments for HIV/AIDS that can help an individual stay healthy.

  3. Individuals with HIV/AIDS can adopt safe practices to protect uninfected and infected people in their lives from becoming infected or being infected themselves with different strains of HIV.

  4. Testing is voluntary and can be done anonymously at a public testing center.

  5. The law protects the confidentiality of HIV test results and other related information

  6. The law prohibits discrimination based on an individual's HIV status and services are available to help with such consequences.

  7. The law allows an individual's informed consent for HIV related testing to be valid for such testing until such consent is revoked by the subject of the HIV test or expires by its terms.

- Health care and other HIV test providers authorizing HIV testing must arrange an appointment for medical care for persons confirmed positive.

- HIV test requisition forms submitted to laboratories will be simplified.

- Deceased, comatose, or persons otherwise incapable of providing consent, and who are the source of an occupational exposure, may now be tested for HIV in certain circumstances without consent.

- Confidential HIV information may be released without a written statement prohibiting re-disclosure when routine disclosures are made to treating providers or to health insurers to obtain payment.

- For up-to-date guidance on the implementation of this legislation, please refer to www.health.state.ny.us/diseases/aids/testing/hiv_testing_law.htm.
Model Language for Consent for HIV Testing

These following forms may be modified or the provider may modify its own consent form without Department approval, but the form must contain information consistent with the model form and must be written in a clear and coherent manner using words with everyday common meanings.

Consent for Medical Treatment

[The model below is for those providers who use a general medical consent process. Use your facility’s general medical consent but amend to include the following.]

I have been given information regarding HIV testing, how HIV can be transmitted, that there is treatment for HIV/AIDS, how to keep myself and others safe from HIV infection, that testing is voluntary and can be done anonymously, how my HIV-related information will be kept confidential, and what laws protect people with HIV/AIDS from discrimination.

I understand that the results will be documented in my medical chart.

Consent for HIV-related testing remains in effect until I revoke it or until the following date ___________. I may revoke my consent orally or in writing at any time. As long as this consent is in force, __________________________ (provider name or facility) may conduct additional tests on me without asking me to sign another consent form. In those cases, my provider will tell me if other HIV tests will be performed and will make a note in my medical record.

Patient Name: _____________________________________ Date: __________________

___ I do not want an HIV test

Signature: __________________________________________________________________

Informed Consent to Perform HIV Testing Part B

[The model below is for those providers who use the Department’s current “Informed Consent to Perform HIV Testing” form, DOH-2556 Parts A and B. Note that Part A remains unchanged and is available on the NYS Department of Health Web site in dozens of languages.]

My health care provider has answered any questions I have about HIV/AIDS. I have been provided information with the following details about HIV testing:

- HIV is the virus that causes AIDS and can be transmitted through unprotected sex (vaginal, anal, or oral sex) with someone who has HIV; contact with blood as in sharing needles (piercing, tattooing, drug equipment including needles), by HIV-infected pregnant women to their infants during pregnancy or delivery, or while breast feeding.
- There are treatments for HIV/AIDS that can help an individual stay healthy.
- Individuals with HIV/AIDS can adopt safe practices to protect uninfected and infected people in their lives from becoming infected or being infected themselves with different strains of HIV.
- Testing is voluntary and can be done anonymously at a public testing center.
- The law protects the confidentiality of HIV test results and other related information
- The law prohibits discrimination based on an individual’s HIV status and services are available to help with such consequences.
- The law allows an individual’s informed consent for HIV related testing to be valid for such testing until such consent is revoked by the subject of the HIV test or expires by its terms.

I agree to be tested for HIV infection. If the results show I have HIV, I agree to additional testing which may occur on the sample I provide today to determine the best treatment for me and to help guide HIV prevention programs. I also agree to future tests to guide my treatment. I understand that I can withdraw my consent for future tests at any time. If I test positive for HIV infection, I understand that my health care provider will talk with me about telling my sex or needle-sharing partners of possible exposure.

Consent for HIV-related testing remains in effect until I revoke it or until the following date ___________. I may revoke my consent orally or in writing at any time. As long as this consent is in force, my provider may conduct additional tests without asking me to sign another consent form. In those cases, my provider will tell me if other HIV tests will be performed and will note this in my medical record.

Patient Name: _____________________________________ Date: __________________

___ I do not want an HIV test

Signature: ____________________________________________________________ (patient or person authorized to consent)

Medical Record #:_________________________________ (8/25/10)

Revised December 2017
Model Form for Documenting Offer of HIV Testing

(Optional form. Compliance with the required offer of an HIV test may be documented through proper annotation of the patient medical record.)

Offer of HIV Testing

New York State Public Health Law requires that an offer of HIV related testing be made to all persons between the ages of 13 and 64 receiving hospital or primary care services except under specific circumstances. This includes inpatients, persons seeking services in emergency departments those receiving primary care on an outpatient basis at a clinic or from a physician, physician assistant, nurse practitioner or midwife.

HIV is the virus that causes AIDS and is passed from one person to another during unprotected sex (oral, anal or vaginal sex without a condom) with someone who has HIV. HIV is also passed through contact with blood as in sharing needles (piercing, tattooing or injecting drugs of any kind) or sharing “works” with a person who has HIV.

If your test result is negative, you can learn how to protect yourself from being infected in the future. If you are positive, you can take steps to prevent passing the virus to others, and you can receive treatment for HIV and learn about other ways to stay healthy.

_____ Yes, I would like to speak to someone about HIV testing.
_____ No, I do not wish to have an HIV test today.

Patient Name: _____________________________________  Date: __________________
Signature: ____________________________________________________________ (patient or person authorized to consent)
Medical Record #:_________________________________
Key Messages for Pregnant Women about HIV:

**HIV TESTING IS NOW RECOMMENDED AS A ROUTINE TEST FOR ALL PREGNANT WOMEN**

1. **HIV is the virus that causes AIDS.** HIV is passed from one person to another during unprotected sex (vaginal, anal or oral sex without a condom) with someone who has HIV. HIV is also passed by shooting drugs, using the works of a person who has HIV. A woman with HIV can pass the virus to her baby during pregnancy or birth or through breastfeeding.

2. **If a woman is pregnant and has HIV, there are treatments that may help her keep up her health and reduce the chances of passing HIV to her baby.** If a pregnant woman with HIV does not get any treatment, the chance of her passing HIV to her baby is about one in four. If she gets treatment, the chance of her passing HIV to her baby is about one in twelve.

3. **By law, all babies in New York State are tested for HIV soon after they are born.** But it is much better for a woman to know her HIV status as early in pregnancy as possible so she can make important decisions about health care and breastfeeding.

**THE HIV TEST IS SAFE AND CAN BE DONE ALONG WITH OTHER PRENATAL BLOOD TESTS**

4. Along with being tested, women and their partners can learn about ways to protect themselves from HIV and other sexually transmitted diseases (STDs).

5. **If a woman's test shows she has HIV, her partner and children should be tested for HIV.** Health care and other needed services are available for the whole family if any member has HIV.

6. **HIV testing is confidential.** A doctor can share HIV test results with others who provide health care for a woman and her baby. The names of people who have HIV and other STDs, like syphilis and gonorrhea, will be confidentially sent to the State Health Department. This helps the State Health Department plan services for people living with HIV and assist in informing partners.

7. **Help is available for women with HIV to let sex or needle-sharing partners learn that they should get tested for HIV.** Counselors from Health Department programs called PNAP and CNAP can help notify partners without ever telling them the woman’s name.

8. **Many resources are available in New York to help women with HIV meet their medical, social and legal needs.**

Your HIV test is voluntary. Your doctor will ask you to sign a consent form for HIV testing, which you should read carefully. Your doctor will also answer any questions you may have about HIV testing.

This information was provided by the New York State Department of Health and your doctor.

From: [http://www.health.state.ny.us/nysdoh/aids/newborn/keymsg.htm](http://www.health.state.ny.us/nysdoh/aids/newborn/keymsg.htm)
New York State HIV Reporting and HIV Partner Notification Information:

**INTRODUCTION**

In June of 1998, the New York State Legislature passed and Governor Pataki signed Chapter 163 of the Laws of 1998. This legislation addresses measures related to HIV reporting and HIV partner notification.

In response to this new law, NYSDOH, in conjunction with other state and local agencies, developed and published draft regulations for public comments on March 17, 1999 (the public comment period ended May 3, 1999) and again on December 15, 1999 (public comment period ended on January 14, 2000). The DOH received over 300 sets of comments and after a careful and thorough review process, the regulations were revised and an implementation date of June 1, 2000 was set.

This law institutes HIV reporting which means that all cases of HIV infection, HIV related illness and AIDS will be reported by name to the state health department for the purposes of monitoring and tracking the epidemic. The new law adds several new requirements and areas to be emphasized during the Pre and Post-test counseling sessions. Anonymous counseling and testing will continue to be available across the state. The law also strengthens the commitment of health care providers to talk to clients about partner notification and domestic violence issues in the context of HIV/AIDS.

- **Summary of the Regulations**
  Summary: HIV Reporting and Partner Notification

- **Information for Providers**
  New York State’s HIV Reporting and Partner Notification Law

- **Information for Consumers**

- **Regulations (Full Text)**

- **For more information**
  Email: hivct@health.state.ny.us

  Send questions or comments to: hivct@health.state.ny.us
  Revised: June 2000

From: http://www.health.state.ny.us/diseases/aids/regulations/index.htm

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**Sexually Transmitted Disease (STD) Reporting**

**New York State Department of Health**

**Communicable Disease Reporting Requirements**

Reporting of suspected or confirmed communicable diseases is mandated under the New York State Sanitary Code (10NYCRR 2.10).

The primary responsibility for reporting rests with the physician; moreover, laboratories (PHL 2102), school nurses (10NYCRR 2.12), day care center directors, nursing homes/hospitals (10NYCRR 405.3d), and state institutions.

For more information, and a list of communicable diseases and NYS reporting form, go to: http://www.health.state.ny.us/professionals/diseases/reporting/communicable

Revised December 2017
Summary: HIV Reporting and Partner Notification

Chapter 163 of the Laws of 1998 amended PHL Article 21 (“Control of Acute Communicable Diseases”) to require the reporting of persons with 1) HIV, 2) HIV related illness and 3) AIDS by NYS physicians and other medical (physician assistants, nurse practitioners, midwives) providers who make diagnoses and by laboratories performing diagnostic tests. (Note: HIV tests performed for research purposes only are not included.) The new law also requires that the reports contain names of sexual or needle-sharing partners known to the medical provider or who the infected person wishes to have notified.

The law reflects the recognized need to better track the epidemic in order to target resources and plan services appropriately, given new pharmaceuticals which delay the progression from HIV to AIDS significantly. AIDS reporting alone is no longer an effective public health tool. Also, provisions requiring notification of exposed persons reflect a traditional public health intervention to limit the spread of communicable disease.

Briefly, the implementing regulations (10 New York Code Rules and Regulations Part 63) and protocols provide:

- Physicians, nurse practitioners, physician assistants and midwives to report identifying information including patient name on standard forms to the NYS Commissioner of Health, except in NYC where medical provider reports are to be sent into the NYC Department of Health (following the established protocol for AIDS reporting which has been in effect since 1985).

- Clinical laboratories (including blood banks) will electronically report HIV tests to the NYS Commissioner. For the purpose of the regulation, reportable HIV tests include: HIV antibody tests, HIV nucleic acid detection tests, and CD4 lymphocyte counts less than 500 unless such tests are known to be performed for reasons other than HIV infection/diagnosis (e.g. related to cancer monitoring). Encryption and electronic security protocols (firewall, passwords, etc.) have been put in place for these transfers.

- Medical providers will be asked to complete a timely report listing sexual and needle-sharing partners known to the medical provider (e.g. spouses), or who the infected person wishes to have notified indicating if notification of these partners has been already performed and identifying whether a domestic violence screening protocol has been conducted on the patient and/or contacts. Trained public health staff (in some cases, state employees; in other cases county/NYC health staff) may contact providers to verify information and, when appropriate, notify partners to ensure they are aware of their exposure. Such partners will be counseled and offered HIV testing. In all partner notification activities the name of the infected person is never disclosed.

- Partner names will be maintained no longer than one year after case closure.

- Anonymous testing is specifically exempted from the reporting requirement; anonymous counseling and testing services will continue to be available.

- Disclosing existing HIV information in certain listed occupational settings to persons who have been exposed to blood and body fluids is permitted under the new statute and regulations (10 NYCRR § 63.8(m)) when:
  - the exposure incident occurred to staff/employees/volunteers in their employment or professional duties in: a medical/dental office; in a facility regulated by DOH, OMH, OMRDD, OCFS, OASAS, DOCS or involved an emergency response employee (fire, police, etc.)
  - the incident is documented with supervisory staff
  - a request for disclosure is made by the provider of the exposed person stating information is necessary for decisions on treatment
  - the exposed person is HIV negative or has consented to an HIV test him/herself and if the test returns positive prior to disclosure, no disclosure will occur
  - documentation is placed in the chart of the exposed person; however the name of the person whose HIV test result is released is not given to the exposed person.
  - the medical provider for the source of the exposure determines that a risk of transmission is likely to have occurred.

  Note: this addresses disclosure of existing HIV information in a person’s record, it does NOT permit testing of the source.

- Liability provisions in PHL § 2136: good faith reporting or disclosure shall not constitute libel or slander, or violations of the right to privacy or protections of privileged communications. Immunity is granted with respect to civil or criminal liability for any person complying in good faith with the law.

- Disclosure of partners is a voluntary activity; no criminal or civil liability arises for non-disclosure of contacts by the patient.

Revised: May 2000 From: http://www.health.state.ny.us/diseases/aids/regulations/index.htm

Note: Consult the Public Health Law and applicable regulations for their provisions, obligations and requirements.

This summary does not contain any advice on which you can rely.