

**PUBLIC HEALTH ORDER  
OF THE CABINET SECRETARY OF  
THE NEW MEXICO DEPARTMENT OF HEALTH  
SEPTEMBER 30, 2022**

***Increase Screening for Syphilis in All Pregnant People to Prevent Congenital Syphilis***

**WHEREAS**, syphilis passed from mother to child, known as congenital syphilis, presents major public health threat because it can lead to serious birth defects, miscarriage, and infant death. Congenital syphilis along with these complications are entirely preventable with timely testing and treatment;

**WHEREAS**, the number of reported cases of primary and secondary syphilis among people and reported cases of congenital syphilis has increased steadily in the United States since 2000. The Centers for Disease Control and Prevention ("CDC") reports more than 2,148 cases of congenital syphilis in 2020 in the United States, resulting in severe health complications and deaths among newborns<sup>i</sup>;

**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 ("STD") Program within 24 hours pursuant to the Section 7.4.3.13 of the New Mexico Administrative Code;

**WHEREAS**, with stark increases in rates of primary and secondary syphilis in New Mexico of 58% from 2017 to 2018 and 69% from 2018 to 2019, CDC ranked the state second in the nation in 2019, and fifth in the nation in 2020;

**WHEREAS**, in 2019, New Mexico had the third highest rate of infants born with congenital syphilis in the United States, with 26 cases of congenital syphilis reported to NMDOH. In 2020 there were 43 reported cases of congenital syphilis. This is a significantly concerning increase as the average cases reported in New Mexico per year during 2012 to 2017 was only two;

**WHEREAS**, pregnant people 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 people who are at high risk for syphilis or live in areas with high rates of syphilis. Given high rates statewide in New Mexico, this testing at the first prenatal visits, during the third trimester, and at the time of delivery is the best practice in all regions of the state based on these CDC guidelines<sup>ii</sup>;

**WHEREAS**, on September 29, 2021, NMDOH issued a Public Health Order recognizing congenital syphilis as a condition of public health importance and advised medical practitioners to perform enhanced syphilis testing on all pregnant people in the state at additional intervals of prenatal care;

**WHEREAS**, NMDOH intends to renew its initial PHO from 2021 on congenital syphilis to provide ongoing awareness and the need for continued testing by medical practitioners in the state; and

**NOW, THEREFORE**, I, David R. Scrase, M.D., Acting 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 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 testing upon consent of the patient:
  - a. Syphilis testing for all pregnant people in their 1st trimester (or initial prenatal visit) and 3rd trimester (28-32 weeks gestational age).
  - b. Syphilis testing for all pregnant people again at delivery.
  - c. Syphilis testing for all pregnant people 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 people with an intrauterine fetal demise at any gestational age.
  - e. Syphilis testing for all pregnant people 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. This Public Order shall take effect immediately and remain in effect until such time as it automatically expires one year from the date of issuance, or until such time as the NMDOH Cabinet Secretary rescinds it.

**THIS 30TH DAY OF SEPTEMBER 2022**



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**DAVID R. SCRASE, M.D.  
ACTING CABINET SECRETARY OF  
THE STATE OF NEW MEXICO  
DEPARTMENT OF HEALTH**

<sup>1</sup> CDC Slide deck [2020-STD-Surveillance-Syphilis.pptx \(live.com\)](https://www.cdc.gov/std/treatment-guidelines/screening-recommendations.htm)

<sup>1</sup> Screening guidelines: <https://www.cdc.gov/std/treatment-guidelines/screening-recommendations.htm> and Treatment and follow up: <https://www.cdc.gov/std/treatment-guidelines/syphilis-pregnancy.htm>