



MICHELLE LUJAN GRISHAM
Governor

PATRICK M. ALLEN
Cabinet Secretary

**PUBLIC HEALTH ORDER
NEW MEXICO DEPARTMENT OF HEALTH
SECRETARY PATRICK M. ALLEN**

OCTOBER 16, 2023

**Increase Syphilis Testing in All Pregnant People and Adults Ages 18 to 50 to Prevent
Congenital Syphilis**

WHEREAS syphilis passed from mother to child, known as congenital syphilis, presents a major public health threat because it can lead to serious birth defects, miscarriage, and infant death;

WHEREAS, the number of reported cases of primary and secondary syphilis and reported cases of congenital syphilis have increased steadily in the United States since 2013, and the Centers for Disease Control and Prevention (CDC) ranked New Mexico as the state with the 2nd highest rate of both congenital and primary/secondary syphilis (2021 data)¹

WHEREAS, in 2021, the US congenital syphilis rate was 77.9 cases per 100,000 live births (218% increase from 2017). In 2021, the NM congenital syphilis rate was 205.7 per 100,000 live births (4,300% increase from 2017)¹. In 2022, the New Mexico Department of Health (NMDOH) reported 76 cases of congenital syphilis (73% increase from 2021 and 660% increase in the last 5 years)². In 2023 to date, there have been 8 fetal demises related to congenital syphilis reported to NMDOH;

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, congenital syphilis is preventable with timely testing and treatment of the pregnant person;

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

¹ [Tables \(cdc.gov\)](https://www.cdc.gov)

² [STD Program Summary Slides 2022 \(nmhealth.org\)](https://www.nmhealth.org)

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WHEREAS, the CDC recommends syphilis testing be repeated during the third trimester (at 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 syphilis rates statewide in New Mexico, this testing at the first prenatal visit, during the third trimester, and at the time of delivery is the best practice in all regions of the state based on these CDC guidelines³;

WHEREAS, the CDC and the US Preventive Services Task Force recommend syphilis screening for people who are at high risk for syphilis or live in areas with high rates of syphilis⁴. Given high syphilis rates statewide in New Mexico, screening adults ages 18 – 50 is the best practice in all regions of the state;

WHEREAS, on September 30, 2022, NMDOH issued a renewed 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 this PHO in order to increase awareness of syphilis and to increase screening testing of both adults ages 18 – 50 and pregnant persons to decrease rates of syphilis in all regions of the state; and

NOW, THEREFORE, I, Patrick M. Allen, 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 ensure the following testing upon consent of the patient:
 - a. Adults aged 18 to 50 should be tested for syphilis at least once in the next 12 months, or more often as recommended based on individual risk or pregnancy status
 - b. Syphilis testing for all pregnant people in their first trimester (or initial prenatal visit).
 - c. Syphilis testing for all pregnant people in their 3rd trimester (28-32 weeks gestational age).

³ [STI Screening Recommendations \(cdc.gov\)](https://www.cdc.gov/STI/screening-recommendations/)

⁴ [Recommendation: Syphilis Infection in Nonpregnant Adolescents and Adults: Screening | United States Preventive Services Taskforce \(uspreventiveservicestaskforce.org\)](https://www.uspreventiveservicestaskforce.org/Recommendation-Syphilis-Infection-in-Nonpregnant-Adolescents-and-Adults-Screening)

- d. Syphilis testing for all pregnant people at delivery.
- e. 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.
- f. Syphilis testing of people with an intrauterine fetal demise at any gestational age.
- g. 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.

ATTEST:

THIS 16TH DAY OF OCTOBER 2023



**PATRICK M. ALLEN
CABINET SECRETARY OF THE
STATE OF NEW MEXICO
DEPARTMENT OF HEALTH**