

## I. Purpose and Authority

These rules are adopted to assure that all of Vermont's young children are tested for lead exposure according to the Commissioner's Blood Lead Screening Guidelines and that all blood lead test results are reported to the Vermont Department of Health.

This rule is adopted under authority of Section 1755 of Title 18 of the Vermont Statutes Annotated.

## II. Blood Lead Testing and Reporting

### 1. Blood Lead Testing

- a. All health care providers who provide primary medical care shall ensure that patients are tested for lead exposure in accordance with the Commissioner's Blood Lead Screening Guidelines, which are incorporated in this rule by reference.
- b. Upon receiving any capillary blood test result indicating an elevated blood lead level, a health care provider shall confirm the result with a venous blood lead test in accordance with the Commissioner's Guidelines.
- c. All health care providers who provide primary medical care shall ensure that parents and guardians of children six years of age or younger are advised of the availability and advisability of screening and testing their children for lead in accordance with the Commissioner's Guidelines.
- d. No health care provider shall be liable for not performing a blood lead capillary or venous test when a parent or guardian has refused to consent or has failed to follow through in response to a referral for a screening or confirmation testing.
- e. If a blood lead capillary or venous test cannot be performed because the child's parent or guardian refuses to consent or fails to follow through on a referral for testing, the health care provider shall record that information in the child's medical record, and shall provide the information to the department upon request.

### 2. Reporting

- a. All health care providers who analyze blood samples for lead levels or who use laboratories outside Vermont to analyze blood samples for lead levels, shall report all information required by the department to the department and shall report to the department by telephone immediately if the result of any analysis is 45 micrograms or more of lead per deciliter of blood and shall report

electronically within 14 days of the analysis if the results are less than 45 micrograms per deciliter of blood.

- b. Any laboratory that analyzes blood samples of Vermont residents for lead levels, shall report all information required by the department to the department.
- c. The report to the department on blood lead test results shall include: Patient's first name, middle initial, and last name; sex, race, date of birth of patient; mailing address; street address if different; parent or guardian name and phone number if patient is a child; if known, the owner of the residence of the patient; date of blood draw; type of blood draw (capillary or venous); date blood was analyzed; test result; health care provider's name; and health care provider's address. If the patient is 16 years or older, and if known and applicable, the report shall also include: whether the patient may have been exposed at work, employer's name, patient's job title, and job description.
- d. Health care providers and laboratories shall submit reports required by this rule in a form and format approved by the department.

### **III. Compliance**

#### **1. Notice of Non-Compliance with Commissioner's Guidelines**

The department will use its electronic child health information system to monitor health care providers' compliance with the Commissioner's Guidelines for testing one and two year old children for lead exposure. Based on this monitoring and other information available to the department, the department may issue a Notice of Non-Compliance to any health care provider for whom the data available to the department do not confirm compliance with the Commissioner's Guidelines for one or more of the patients under his or her care. The Notice shall include:

- a. A copy of the Commissioner's Guidelines;
- b. A list of the health care provider's patients for whom the records available to the department do not confirm that the child has had blood tests for lead exposure in accordance with the Commissioner's Guidelines; and
- c. A request that, within 30 days of the Notice, the health care provider test each child on the list in accordance with the Commissioner's Guidelines or report to the department that child's parent or guardian refused to consent or failed to follow through in response to a referral for blood lead testing, or that the child is not under the provider's care.

#### **2. Notice of Non-Compliance with Reporting Requirements**

The department may issue a Notice of Non-Compliance to any laboratory or health care provider that fails to report to the department in accordance with the reporting requirements described in section II.2 of these rules. The Notice shall include:

- a. A copy of the blood lead test reporting requirements, including a list of required data elements;
- b. A list of children who are missing complete information for required blood lead tests in accordance with the blood lead testing reporting requirements described in section II.2; and
- c. A requirement to report to the department all required data elements for each child identified in the Notice within 30 days of the date of the Notice.

### 3. Enforcement

The department will work with health care providers and laboratories to encourage voluntary compliance with these rules. In the event that voluntary compliance is not achieved, the department will enforce these rules through the authority provided under Title 18 of the Vermont statutes or through a referral to the appropriate board of professional regulation.