

2007 DRAFTING REQUEST

Bill

Received: **08/24/2006**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

For: **Sheldon Wasserman (608) 266-7671**

By/Representing: **Joseph Hoey**

This file may be shown to any legislator: **NO**

Drafter: **tkuczens**

May Contact:

Adtl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Wasserman@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Prescriptions for antibiotics

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 09/12/2006	kfollett 10/04/2006		_____			State
/1	tkuczens 02/08/2007	kfollett 02/21/2007	pgreensl 10/05/2006	_____	sbasford 10/05/2006		State
/2	tkuczens 03/15/2007	kfollett 03/16/2007	nmatzke 02/21/2007	_____	cduerst 02/21/2007		State
/3			pgreensl	_____	cduerst	sbasford	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

03/16/2007 _____ 03/16/2007 04/25/2007

FE Sent For: *at intro*
5/8/07

<END>

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3/H6
PO
H8/MW

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/1		12kjf 2/24	pgreensl 10/05/2006	_____	sbasford 10/05/2006		
FE Sent For:			nwn 2/21	nwn/jf 2/21			

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/?	tkuczens	11/10/jf 10/4	10/4 pe	10/4	10/15		

FE Sent For:

<END>

Kuczenski, Tracy

From: Hoey, Joseph
Sent: Thursday, August 24, 2006 4:18 PM
To: Kuczenski, Tracy
Subject: RE:

Tracy,

I do not know of any changes but I will double check with Sheldon and get back to you.

Thanks.

Joe

Joseph P. Hoey
Office of State Rep. Sheldon Wasserman
P.O. Box 8953, Madison WI 53708-8953
(608) 266-7671 / 888-534-0022 (in-state only)
Joseph.Hoey@legis.state.wi.us

*see next page
for instructions
Jc*

From: Kuczenski, Tracy
Sent: Thursday, August 24, 2006 3:48 PM
To: Hoey, Joseph
Subject: RE:

Hi Joe --

I will be happy to work on this redraft for Rep. Wasserman. We will be able to begin drafting for the 2007 session next week.

Are there any changes that need to be made to last session's draft? Anything else that I should be aware of?

Thanks,
Tracy Kuczenski

Tracy K. Kuczenski
Legislative Drafting Attorney
Wisconsin Legislative Reference Bureau
Direct Line -- 266-9867

From: Hurley, Peggy
Sent: Thursday, August 24, 2006 3:13 PM
To: Hoey, Joseph
Cc: Sundberg, Christopher; Kuczenski, Tracy
Subject: RE:

Hi Joe,

I won't be drafting in Occupational Regulation this session, but I'll forward this request to Chris Sundberg and Tracy Kuczenski.

Peggy

From: Hoey, Joseph
Sent: Thursday, August 24, 2006 3:11 PM

To: Hurley, Peggy
Subject:

Peggy,

Not sure if you're the right person, but since you drafted this last session, I thought I'd start with you. Sheldon would like a redraft of 2005 LRB-1725/1, which allows prescriptions for antibiotics for the treatment of STDs for patients partners.

Please let me know if I need to make this request of someone else, or if you need any more information from me.

Thanks.

Joe

Joseph P. Hoey
Office of State Rep. Sheldon Wasserman
P.O. Box 8953, Madison WI 53708-8953
(608) 266-7671 / 888-534-0022 (in-state only)
Joseph.Hoey@legis.state.wi.us

per Joe 9/6/06 to call
eliminate all references to the limit on # of partners that can be
served under this section.

- analysis
- section 5
- other?

Brief background: drafted last session

Rep. Wasserman forwarded to Rep. Heinz, who circulated the
draft for comment. ~~But~~ ^{the} ~~Heinz~~ don't think it
was introduced

* if we/I receive any inquiry from Rep. Heinz' office, ok to
share draft as revised, but no need to do so in absence
of request.

Kuczenski, Tracy

From: Hoey, Joseph
Sent: Wednesday, March 14, 2007 5:00 PM
To: Kuczenski, Tracy
Subject: LRB 07-0033/2 Topic: Prescriptions for antibiotics

Tracy,

Sheldon would like to make a few minor changes to this draft -

- ✓ - page 2, line 10 - he would like to add "pharmacist" after "physician" and before "or local health department"
- ✓ - change the references to "chlamydia, gonorrhea, or trichomonas" on page 3, lines 8 & 12 and page 5, line 8 to "chlamydial infection, gonorrhea or trichomoniasis"
- ✓ - update the reference to "centers for disease control" on page 3, line 9 to their new name "Centers for Disease Control and Prevention." When I checked the statutes I noticed that some references are to old names (center instead of centers) and some are to the new one. Is that something that should be changed?

Let me know if you have any questions.

Thanks.

Joe

*Joseph P. Hoey
Office of State Rep. Sheldon Wasserman
P.O. Box 8953, Madison WI 53708-8953
(608) 266-7671 / 888-534-0022 (in-state only)
Joseph.Hoey@legis.state.wi.us*

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: TKK) (Date: 08, 28, 08)



Please transfer the drafting file for

~~2003~~ ²⁰⁰⁵ LRB 1725/1 to the drafting file

for ~~2005~~ ²⁰⁰⁷ LRB 0033

The final version of the 2003 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2003 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2003 draft was incorporated into a 2005 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the 2005 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--- OR ---

Please copy the drafting file for

2005 LRB _____ (include the version) and place it in the

drafting file for 2005 LRB _____

For research purposes, because the original 2005 draft was incorporated into another 2005 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the new 2005 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then be returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

10/6

0033/1
LRB-1725/T
PJH:jld:jf
TKK:lgf

2005 ⁷ BILL

RM Not Run
D-Note

6-12-06

PWF

Regen

1 AN ACT *to amend* 441.07 (1) (d), 448.015 (4), 448.04 (1) (a), 450.10 (1) (a) (intro.)
2 and 450.11 (1); and *to create* 46.03 (44), 441.16 (3m), 448.035 and 450.11 (1g)
3 of the statutes; **relating to:** prescriptions for antibiotic drugs for treatment of
4 chlamydia, gonorrhea, or trichomonas and requiring the exercise of
5 rule-making authority.

Analysis by the Legislative Reference Bureau

This bill allows a physician, physician assistant, or advanced practice nurse to prescribe to a patient an antibiotic drug as a course of therapy for the treatment of chlamydia, gonorrhea, or trichomonas for use by a person with whom the patient has had sexual intercourse if the patient states that the person is not allergic to the drug. Such a prescription ~~may be made for no more than two people in one year with whom the patient has had sexual intercourse.~~ Also, such a prescription may not be made for a controlled substance.

A physician, physician assistant, or advanced practice nurse who makes such a prescription may provide the patient with written information specified in rules promulgated by the Department of Health and Family Services. The information must include information about sexually transmitted diseases and their treatment and about the risk of drug allergies. In addition, the physician, physician assistant, or advanced practice nurse may request that the patient provide the written information to the person with whom he or she has had sexual intercourse.

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 46.03 (44) of the statutes is created to read:

2 46.03 (44) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. Promulgate
3 a rule specifying the information that a physician, physician assistant, or advanced
4 practice nurse prescriber may provide, in writing, to a patient under s. 448.035 (3)
5 and encourage physicians, physician assistants, and advanced practice nurse
6 prescribers to provide such information to a patient under s. 448.035 (3). The
7 information shall consist of information about sexually transmitted diseases and
8 their treatment and about the risk of drug allergies. The information shall also
9 include a statement advising a person with questions about the information to
10 contact his or her physician or local health department, as defined in s. 250.01 (4).

11 **SECTION 2.** 441.07 (1) (d) of the statutes is amended to read:

12 441.07 (1) (d) Misconduct or unprofessional conduct. In this paragraph,
13 “misconduct” and “unprofessional conduct” do not include the prescribing of an
14 antibiotic drug as described in s. 448.035.

15 **SECTION 3.** 441.16 (3m) of the statutes is created to read:

16 441.16 (3m) An advanced practice nurse who is certified under sub. (2) may
17 prescribe an antibiotic drug as described in s. 448.035.

18 **SECTION 4.** 448.015 (4) of the statutes is amended to read:

19 448.015 (4) “Unprofessional conduct” means those acts or attempted acts of
20 commission or omission defined as unprofessional conduct by the board under the
21 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or

BILL

1 physician assistant in violation of ch. 450 or 961. “Unprofessional conduct” does not
2 include the prescribing of an antibiotic drug as described in s. 448.035.

3 **SECTION 5.** 448.035 of the statutes is created to read:

4 **448.035 Prescribing certain antibiotic drugs. (1)** In this section:

5 (a) “Advanced practice nurse prescriber” means a nurse who is certified under
6 s. 441.16 (2).

7 (b) “Antibiotic drug” means an antibiotic drug recommended for treatment of
8 chlamydia, gonorrhea, or trichomonas in the most current guidelines for the
9 treatment of sexually transmitted diseases of the federal centers for disease control.

10 (2) Notwithstanding the requirements of s. 448.30, a physician, physician
11 assistant, or advanced practice nurse prescriber may prescribe an antibiotic drug as
12 a course of therapy for treatment of chlamydia, gonorrhea, or trichomonas to a
13 patient for use by a person with whom the patient has had sexual intercourse if the
14 patient states to the physician, physician assistant, or advanced practice nurse
15 prescriber that the person is not allergic to the drug. The prescription order is
16 required to include the name and address of the patient, a statement that indicates
17 that the patient should ask the person with whom the patient has had sexual
18 intercourse whether that person is allergic to the drug, and a statement that
19 indicates that the drug should not be taken by a person who is allergic to the drug.
20 The prescription order is not required to include the name and address of the person
21 with whom the patient has had sexual intercourse. The prescription order shall state
22 that the patient is responsible for paying for the antibiotic drug that is prescribed for
23 the person with whom the patient has had sexual intercourse. This subsection does
24 not apply to the prescribing of a substance listed in the schedules in ss. 961.14,
25 961.16, 961.18, 961.20, and 961.22 or substances added by the controlled substances

BILL

1 board acting under s. 961.11 (1). A physician, physician assistant, or advanced
 2 practice nurse prescriber may not issue prescriptions under this subsection for more
 3 than 2 persons in one year with whom a particular patient has had sexual
 4 intercourse.

5 (3) At the time of issuing the prescription under sub. (2), the physician,
 6 physician assistant, or advanced practice nurse prescriber may provide the patient,
 7 in writing, with information specified by the department of health and family
 8 services under s. 46.03 (44) and request that the patient give the information to the
 9 person with whom the patient has had sexual intercourse.

10 SECTION 6. 448.04 (1) (a) of the statutes is amended to read:

11 448.04 (1) (a) *License to practice medicine and surgery.* A person holding a
 12 license to practice medicine and surgery may practice as defined in s. 448.01 (9) and
 13 as provided in s. 448.035.

14 SECTION 7. 450.10 (1) (a) (intro.) of the statutes is amended to read:

15 450.10 (1) (a) (intro.) In this subsection, "unprofessional conduct" includes any
 16 of the following, but is ~~not limited to~~ does not include the dispensing of an antibiotic
 17 drug as described in s. 450.11 (1g):

18 SECTION 8. 450.11 (1) of the statutes is amended to read:

19 450.11 (1) DISPENSING. No person may dispense any prescribed drug or device
 20 except upon the prescription order of a practitioner. All prescription orders shall
 21 specify the date of issue, the name and address of the patient, the name and address
 22 of the practitioner, the name and quantity of the drug product or device prescribed,
 23 directions for the use of the drug product or device and, if the order is written by the
 24 practitioner, the signature of the practitioner. Except as provided in s. 448.035 (2),
 25 all prescription orders shall also specify the name and address of the patient. Any

Insert 4-17

BILL

1 oral prescription order shall be immediately reduced to writing by the pharmacist
2 and filed according to sub. (2).

3 **SECTION 9.** 450.11 (1g) of the statutes is created to read:

4 450.11 (1g) DISPENSING CERTAIN ANTIBIOTIC DRUGS. (a) In this subsection,
5 "antibiotic drug" has the meaning given in s. 448.035 (1) (b).

6 (b) A pharmacist may, upon the prescription order of a practitioner, as specified
7 in s. 448.035, and under all other requirements of sub. (1), dispense an antibiotic
8 drug as a course of therapy for treatment of chlamydia, gonorrhea, or trichomonas
9 to a patient or an agent of the patient for use by a person with whom the patient has
10 had sexual intercourse. A pharmacist may dispense an antibiotic drug under this
11 paragraph without providing a consultation to the person with whom the patient has
12 had sexual intercourse. A patient specified in par. (b) is responsible for paying for
13 an antibiotic drug that is dispensed under par. (b). Any insurance claim submitted
14 by a pharmacist for an antibiotic drug dispensed under this subsection shall specify
15 that the antibiotic drug was dispensed for use by a person other than the patient.

*or an agent of
the patient*

16 **SECTION 10. Nonstatutory provisions.**

*A.R.A. ↓
A.R.B. ↓*

17 (1) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. The department of
18 health and family services shall submit in proposed form the rules required under
19 section 46.03 (44) of the statutes, as created by this act, to the legislative council staff
20 under section 227.15 (1) of the statutes no later than the first day of the 7th month
21 beginning after the effective date of this subsection.

22 **SECTION 11. Effective dates.** This act takes effect on the first day of the 13th
23 month beginning after publication, except as follows:

24 (1) SECTION 10 (1) of this act takes effect on the day after publication.

*LPS:
check
auto
refs*

(END)

D-Note

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB 07-0033/ins
TKK:.....

ins

1 Insert 4-17

2 SECTION 8. 450.11 (1) of the statutes, ~~as affected by 2005 Wis. Act 196~~ is
3 amended to read:

4 450.11 (1) DISPENSING. No person may dispense any prescribed drug or device
5 except upon the prescription order of a practitioner. All prescription orders shall
6 specify the date of issue, ~~the name and address of the patient~~, the name and address
7 of the practitioner, the name and quantity of the drug product or device prescribed,
8 directions for the use of the drug product or device, the symptom or purpose for which
9 the drug is being prescribed if required under sub. (4) (a) 8., and, if the order is
10 written by the practitioner, the signature of the practitioner. Except as provided in
11 s. 448.035 (2), all prescription orders shall also specify the name and address of the
12 patient. Any oral prescription order shall be immediately reduced to writing by the
13 pharmacist and filed according to sub. (2).

History: 1985 a. 146; 1997 a. 27, 175, 283; 2001 a. 109; 2005 a. 195, 196; s. 13.93 (1) (b); 2005 a. 187, 242.

14

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

1
LRB-0033/?dn

TKK: *lgf*

Date

To Representative Wasserman:

X This is a re-draft of 2005 LRB-1725/1. This draft differs from LRB-1725 in two respects.

X 1. At your request, I eliminated the limit on the number of partners of patients for whom a prescription may be made under proposed section 448.035(2).

X 2. In addition, I clarified language relating to payment in proposed section 450.11(1g)(c) of the draft to indicate that a patient *or an agent of the patient* is responsible for paying for the dispensed drug. This change is consistent with proposed section 450.11(1g)(b) of the draft, which permits a patient or an agent of the patient to receive the dispensed drug.

Please let me know if you have any questions or would like additional changes.

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-8967
E-mail: tracy.kuczenski@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0033/1dn
TKK:kjf:pg

October 4, 2006

To Representative Wasserman:

This is a redraft of 2005 LRB-1725/1. This draft differs from LRB-1725 in two respects.

1. At your request, I eliminated the limit on the number of partners of patients for whom a prescription may be made under proposed s. 448.035 (2).
2. In addition, I clarified language relating to payment in proposed s. 450.11 (1g) (c) of the draft to indicate that a patient *or an agent of the patient* is responsible for paying for the dispensed drug. This change is consistent with proposed s. 450.11 (1g) (b) of the draft, which permits a patient or an agent of the patient to receive the dispensed drug.

Please let me know if you have any questions or would like additional changes.

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-8967
E-mail: tracy.kuczenski@legis.state.wi.us



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0033/1
TKK:kjf:pe
RM NR
insert
d-note

in 2/8/07

2007 BILL

Regen

1 AN ACT to amend 441.07 (1) (d), 448.015 (4), 448.04 (1) (a), 450.10 (1) (a) (intro.)
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3 of the statutes; relating to: prescriptions for antibiotic drugs for treatment of
4 chlamydia, gonorrhea, or trichomonas and requiring the exercise of
5 rule-making authority.

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This bill allows a physician, physician assistant, or advanced practice nurse to prescribe to a patient an antibiotic drug as a course of therapy for the treatment of chlamydia, gonorrhea, or trichomonas for use by a person with whom the patient has had sexual intercourse if the patient states that the person is not allergic to the drug. Such a prescription may not be made for a controlled substance.

A physician, physician assistant, or advanced practice nurse who makes such a prescription may provide the patient with written information specified in rules promulgated by the Department of Health and Family Services. The information must include information about sexually transmitted diseases and their treatment and about the risk of drug allergies. In addition, the physician, physician assistant, or advanced practice nurse may request that the patient provide the written information to the person with whom he or she has had sexual intercourse.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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2 46.03 (44) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. Promulgate
3 a rule specifying the information that a physician, physician assistant, or advanced
4 practice nurse prescriber may provide, in writing, to a patient under s. 448.035 (3)
5 and encourage physicians, physician assistants, and advanced practice nurse
6 prescribers to provide such information to a patient under s. 448.035 (3). The
7 information shall consist of information about sexually transmitted diseases and
8 their treatment and about the risk of drug allergies. The information shall also
9 include a statement advising a person with questions about the information to
10 contact his or her physician or local health department, as defined in s. 250.01 (4).

11 **SECTION 2.** 441.07 (1) (d) of the statutes is amended to read:

12 441.07 (1) (d) Misconduct or unprofessional conduct. In this paragraph,
13 “misconduct” and “unprofessional conduct” do not include the prescribing of an
14 antibiotic drug as described in s. 448.035.

15 **SECTION 3.** 441.16 (3m) of the statutes is created to read:

16 441.16 (3m) An advanced practice nurse who is certified under sub. (2) may
17 prescribe an antibiotic drug as described in s. 448.035.

18 **SECTION 4.** 448.015 (4) of the statutes is amended to read:

19 448.015 (4) “Unprofessional conduct” means those acts or attempted acts of
20 commission or omission defined as unprofessional conduct by the board under the
21 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or

BILL

1 physician assistant in violation of ch. 450 or 961. “Unprofessional conduct” does not
2 include the prescribing of an antibiotic drug as described in s. 448.035.

3 **SECTION 5.** 448.035 of the statutes is created to read:

4 **448.035 Prescribing certain antibiotic drugs. (1)** In this section:

5 (a) “Advanced practice nurse prescriber” means a nurse who is certified under
6 s. 441.16 (2).

7 (b) “Antibiotic drug” means an antibiotic drug recommended for treatment of
8 chlamydia, gonorrhea, or trichomonas in the most current guidelines for the
9 treatment of sexually transmitted diseases of the federal centers for disease control.

10 **(2)** Notwithstanding the requirements of s. 448.30, a physician, physician
11 assistant, or advanced practice nurse prescriber may prescribe an antibiotic drug as
12 a course of therapy for treatment of chlamydia, gonorrhea, or trichomonas to a
13 patient for use by a person with whom the patient has had sexual intercourse if the
14 patient states to the physician, physician assistant, or advanced practice nurse
15 prescriber that the person is not allergic to the drug. The prescription order is
16 required to include the name and address of the patient, a statement that indicates

17 ~~that the patient should ask the person with whom the patient has had sexual~~
18 ~~intercourse whether that person is allergic to the drug, and a statement that~~
19 ~~indicates that the drug should not be taken by a person who is allergic to the drug.~~
20 ~~The prescription order is not required to include the name and address of the person~~
21 ~~with whom the patient has had sexual intercourse. The prescription order shall state~~
22 ~~that the patient is responsible for paying for the antibiotic drug that is prescribed for~~
23 ~~the person with whom the patient has had sexual intercourse.~~

24 This subsection does not apply to the prescribing of a substance listed in the schedules in ss. 961.14,

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SECTION 5

1 961.16, 961.18, 961.20, and 961.22 or substances added by the controlled substances
2 board acting under s. 961.11 (1).

Insert 4-4

3 (3) At the time of issuing the prescription under sub. (2), the physician,
4 physician assistant, or advanced practice nurse prescriber ^{also} may provide the patient,
5 in writing, with information specified by the department of health and family
6 services under s. 46.03 (44) and request that the patient give the information to the
7 person with whom the patient has had sexual intercourse.

Insert
4-7

8 **SECTION 6.** 448.04 (1) (a) of the statutes is amended to read:

9 448.04 (1) (a) *License to practice medicine and surgery.* A person holding a
10 license to practice medicine and surgery may practice as defined in s. 448.01 (9) and
11 as provided in s. 448.035.

12 **SECTION 7.** 450.10 (1) (a) (intro.) of the statutes is amended to read:

13 450.10 (1) (a) (intro.) In this subsection, "unprofessional conduct" includes any
14 of the following, but is not limited to does not include the dispensing of an antibiotic
15 drug as described in s. 450.11 (1g):

16 **SECTION 8.** 450.11 (1) of the statutes of the statutes is amended to read:

17 450.11 (1) DISPENSING. No person may dispense any prescribed drug or device
18 except upon the prescription order of a practitioner. All prescription orders shall
19 specify the date of issue, ~~the name and address of the patient,~~ the name and address
20 of the practitioner, the name and quantity of the drug product or device prescribed,
21 directions for the use of the drug product or device, the symptom or purpose for which
22 the drug is being prescribed if required under sub. (4) (a) 8., and, if the order is
23 written by the practitioner, the signature of the practitioner. Except as provided in
24 s. 448.035 (2), all prescription orders shall also specify the name and address of the

BILL

1 patient. Any oral prescription order shall be immediately reduced to writing by the
2 pharmacist and filed according to sub. (2).

3 **SECTION 9.** 450.11 (1g) of the statutes is created to read:

4 450.11 (1g) DISPENSING CERTAIN ANTIBIOTIC DRUGS. (a) In this subsection,
5 “antibiotic drug” has the meaning given in s. 448.035 (1) (b).

6 (b) A pharmacist may, upon the prescription order of a practitioner, as specified
7 in s. 448.035, and under all other requirements of sub. (1), dispense an antibiotic
8 drug as a course of therapy for treatment of chlamydia, gonorrhea, or trichomonas
9 to a patient or an agent of the patient for use by a person with whom the patient has
10 had sexual intercourse. A pharmacist may dispense an antibiotic drug under this
11 paragraph without providing a consultation to the person with whom the patient has
12 had sexual intercourse.

13 (c) A patient or an agent of the patient specified in par. (b) is responsible for
14 paying for an antibiotic drug that is dispensed under par. (b). Any insurance claim
15 submitted by a pharmacist for an antibiotic drug dispensed under this subsection
16 shall specify that the antibiotic drug was dispensed for use by a person other than
17 the patient.

18 **SECTION 10. Nonstatutory provisions.**

19 (1) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. The department of
20 health and family services shall submit in proposed form the rules required under
21 section 46.03 (44) of the statutes, as created by this act, to the legislative council staff
22 under section 227.15 (1) of the statutes no later than the first day of the 7th month
23 beginning after the effective date of this subsection.

24 **SECTION 11. Effective dates.** This act takes effect on the first day of the 13th
25 month beginning after publication, except as follows:

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0033/1ins
TKK:kjf:pg

Insert 4-4

no # shall direct the patient to ask the person with whom the patient has had sexual intercourse whether that person is allergic to the antibiotic drug, and shall inform the patient that the person with whom the patient has had sexual intercourse must not use or must discontinue use of the antibiotic drug if the person is allergic to or develops signs of an allergic reaction to the antibiotic drug. The physician, physician assistant, or advanced practice nurse prescriber

Insert 4-7

no # The prescriber shall include in the patient's medical record a statement indicating that the prescriber has discussed with the patient the risk of allergies to the antibiotic drug.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0033/²rdn
TKK:kjf:js

Date

Representative Wasserman;

At your request, I have made the following changes in this draft:

1. I modified proposed s. 448.035 (2) to eliminate specifications concerning the contents of the prescription order.
2. I added a requirement in proposed s. 448.035 (3) that the prescriber discuss the risks of an allergic reaction to the antibiotic drug with the patient and make a note of this discussion in the prescriber's medical record.

Please let me know if you have any questions about or concerns with these revisions.

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-8967
E-mail: tracy.kuczenski@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0033/2dn
TKK:kjf:nwn

February 21, 2007

Representative Wasserman:

At your request, I have made the following changes in this draft:

1. I modified proposed s. 448.035 (2) to eliminate specifications concerning the contents of the prescription order.
2. I added a requirement in proposed s. 448.035 (3) that the prescriber discuss the risks of an allergic reaction to the antibiotic drug with the patient and make a note of this discussion in the prescriber's medical record.

Please let me know if you have any questions about or concerns with these revisions.

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-8967
E-mail: tracy.kuczenski@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0033/2 ³
TKK:kjf:rvn
RMNR

in 3/15/07

2007 BILL soon

Regen

1 AN ACT to amend 441.07 (1) (d), 448.015 (4), 448.04 (1) (a), 450.10 (1) (a) (intro.)
2 and 450.11 (1); and to create 46.03 (44), 441.16 (3m), 448.035 and 450.11 (1g)
3 of the statutes; relating to: prescriptions for antibiotic drugs for treatment of
4 ^{chlamydial infections} chlamydia, gonorrhea, or trichomonas and requiring the exercise of
5 rule-making authority. ^{e trichomoniasis}

Analysis by the Legislative Reference Bureau ^{e trichomoniasis}

^{chlamydial infections} This bill allows a physician, physician assistant, or advanced practice nurse to prescribe to a patient an antibiotic drug as a course of therapy for the treatment of chlamydia, gonorrhea, or trichomonas for use by a person with whom the patient has had sexual intercourse if the patient states that the person is not allergic to the drug. Such a prescription may not be made for a controlled substance.

A physician, physician assistant, or advanced practice nurse who makes such a prescription may provide the patient with written information specified in rules promulgated by the Department of Health and Family Services. The information must include information about sexually transmitted diseases and their treatment and about the risk of drug allergies. In addition, the physician, physician assistant, or advanced practice nurse may request that the patient provide the written information to the person with whom he or she has had sexual intercourse.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 46.03 (44) of the statutes is created to read:

2 46.03 (44) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. Promulgate
3 a rule specifying the information that a physician, physician assistant, or advanced
4 practice nurse prescriber may provide, in writing, to a patient under s. 448.035 (3)
5 and encourage physicians, physician assistants, and advanced practice nurse
6 prescribers to provide such information to a patient under s. 448.035 (3). The
7 information shall consist of information about sexually transmitted diseases and
8 their treatment and about the risk of drug allergies. The information shall also
9 include a statement advising a person with questions about the information to
10 contact his or her physician^{, pharmacist} or local health department, as defined in s. 250.01 (4).

11 **SECTION 2.** 441.07 (1) (d) of the statutes is amended to read:

12 441.07 (1) (d) Misconduct or unprofessional conduct. In this paragraph,
13 “misconduct” and “unprofessional conduct” do not include the prescribing of an
14 antibiotic drug as described in s. 448.035.

15 **SECTION 3.** 441.16 (3m) of the statutes is created to read:

16 441.16 (3m) An advanced practice nurse who is certified under sub. (2) may
17 prescribe an antibiotic drug as described in s. 448.035.

18 **SECTION 4.** 448.015 (4) of the statutes is amended to read:

19 448.015 (4) “Unprofessional conduct” means those acts or attempted acts of
20 commission or omission defined as unprofessional conduct by the board under the
21 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or

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1 physician assistant in violation of ch. 450 or 961. “Unprofessional conduct” does not
2 include the prescribing of an antibiotic drug as described in s. 448.035.

3 **SECTION 5.** 448.035 of the statutes is created to read:

4 **448.035 Prescribing certain antibiotic drugs. (1)** In this section:

5 (a) “Advanced practice nurse prescriber” means a nurse who is certified under
6 s. 441.16 (2).

7 (b) “Antibiotic drug” means an antibiotic drug recommended for treatment of
8 chlamydia gonorrhea, or trichomonas in the most current guidelines for the
9 treatment of sexually transmitted diseases of the federal centers for disease control ^{and prevention}

10 (2) Notwithstanding the requirements of s. 448.30, a physician, physician
11 assistant, or advanced practice nurse prescriber may prescribe an antibiotic drug as
12 a course of therapy for treatment of ^{a chlamydial infection} chlamydia gonorrhea, or ^{trichomoniasis} trichomonas to a
13 patient for use by a person with whom the patient has had sexual intercourse if the
14 patient states to the physician, physician assistant, or advanced practice nurse
15 prescriber that the person is not allergic to the drug. The prescription order is not
16 required to include the name and address of the patient. This subsection does not
17 apply to the prescribing of a substance listed in the schedules in ss. 961.14, 961.16,
18 961.18, 961.20, and 961.22 or substances added by the controlled substances board
19 acting under s. 961.11 (1).

20 (3) At the time of issuing the prescription under sub. (2), the physician,
21 physician assistant, or advanced practice nurse prescriber shall direct the patient to
22 ask the person with whom the patient has had sexual intercourse whether that
23 person is allergic to the antibiotic drug, and shall inform the patient that the person
24 with whom the patient has had sexual intercourse must not use or must discontinue
25 use of the antibiotic drug if the person is allergic to or develops signs of an allergic

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1 reaction to the antibiotic drug. The physician, physician assistant, or advanced
2 practice nurse prescriber may also provide the patient, in writing, with information
3 specified by the department of health and family services under s. 46.03 (44) and
4 request that the patient give the information to the person with whom the patient
5 has had sexual intercourse. The prescriber shall include in the patient's medical
6 record a statement indicating that the prescriber has discussed with the patient the
7 risk of allergies to the antibiotic drug.

8 **SECTION 6.** 448.04 (1) (a) of the statutes is amended to read:

9 448.04 (1) (a) *License to practice medicine and surgery.* A person holding a
10 license to practice medicine and surgery may practice as defined in s. 448.01 (9) and
11 as provided in s. 448.035.

12 **SECTION 7.** 450.10 (1) (a) (intro.) of the statutes is amended to read:

13 450.10 (1) (a) (intro.) In this subsection, "unprofessional conduct" includes any
14 of the following, but ~~is not limited to~~ does not include the dispensing of an antibiotic
15 drug as described in s. 450.11 (1g):

16 **SECTION 8.** 450.11 (1) of the statutes of the statutes is amended to read:

17 450.11 (1) DISPENSING. No person may dispense any prescribed drug or device
18 except upon the prescription order of a practitioner. All prescription orders shall
19 specify the date of issue, ~~the name and address of the patient,~~ the name and address
20 of the practitioner, the name and quantity of the drug product or device prescribed,
21 directions for the use of the drug product or device, the symptom or purpose for which
22 the drug is being prescribed if required under sub. (4) (a) 8., and, if the order is
23 written by the practitioner, the signature of the practitioner. Except as provided in
24 s. 448.035 (2), all prescription orders shall also specify the name and address of the

BILL

1 patient. Any oral prescription order shall be immediately reduced to writing by the
2 pharmacist and filed according to sub. (2).

3 **SECTION 9.** 450.11 (1g) of the statutes is created to read:

4 450.11 (1g) DISPENSING CERTAIN ANTIBIOTIC DRUGS. (a) In this subsection,
5 "antibiotic drug" has the meaning given in s. 448.035 (1) (b).

6 (b) A pharmacist may, upon the prescription order of a practitioner, as specified
7 in s. 448.035, and under all other requirements of sub. (1), dispense an antibiotic
8 drug as a course of therapy for treatment of ^{chlamydial infections} ~~chlamydia~~, gonorrhea, or ^{e/ trichomoniasis} ~~trichomonas~~
9 to a patient or an agent of the patient for use by a person with whom the patient has
10 had sexual intercourse. A pharmacist may dispense an antibiotic drug under this
11 paragraph without providing a consultation to the person with whom the patient has
12 had sexual intercourse.

13 (c) A patient or an agent of the patient specified in par. (b) is responsible for
14 paying for an antibiotic drug that is dispensed under par. (b).

15 **SECTION 10. Nonstatutory provisions.**

16 (1) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. The department of
17 health and family services shall submit in proposed form the rules required under
18 section 46.03 (44) of the statutes, as created by this act, to the legislative council staff
19 under section 227.15 (1) of the statutes no later than the first day of the 7th month
20 beginning after the effective date of this subsection.

21 **SECTION 11. Effective dates.** This act takes effect on the first day of the 13th
22 month beginning after publication, except as follows:

23 (1) SECTION 10 (1) of this act takes effect on the day after publication.

24 (END)

Duerst, Christina

From: Hoey, Joseph
Sent: Wednesday, April 25, 2007 12:50 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-0033/3 Topic: Prescriptions for antibiotics

Please Jacket LRB 07-0033/3 for the ASSEMBLY.