

State of Wisconsin



2009 Senate Bill 460

Date of enactment: **May 11, 2010**
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2009 WISCONSIN ACT 280

AN ACT *to renumber and amend* 450.11 (4) (a) 5.; *to amend* 441.07 (1) (d), 441.16 (2), 448.015 (4), 448.04 (1) (a), 450.10 (1) (a) (intro.) and 450.11 (1); and *to create* 46.03 (44), 448.035, 450.11 (1g) and 450.11 (4) (a) 5. b. of the statutes; **relating to**: prescriptions for antimicrobial drugs for treatment of chlamydial infections, gonorrhea, or trichomoniasis.

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

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

46.03 (44) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. Prepare and keep current an information sheet to be distributed to a patient by a physician, physician assistant, or certified advanced practice nurse prescriber providing expedited partner therapy to that patient under s. 448.035. The information sheet shall include information about sexually transmitted diseases and their treatment and about the risk of drug allergies. The information sheet shall also include a statement advising a person with questions about the information to contact his or her physician, pharmacist, or local health department, as defined in s. 250.01 (4).

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

441.07 (1) (d) Misconduct or unprofessional conduct. In this paragraph, "misconduct" and "unprofessional conduct" do not include providing expedited partner therapy as described in s. 448.035.

SECTION 3. 441.16 (2) of the statutes is amended to read:

441.16 (2) The board shall grant a certificate to issue prescription orders to an advanced practice nurse who meets the education, training and examination requirements established by the board for a certificate to issue prescription orders, and who pays the fee specified under s. 440.05 (1). An advanced practice nurse certified under this section may provide expedited partner therapy in the manner described in s. 448.035.

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

448.015 (4) "Unprofessional conduct" means those acts or attempted acts of commission or omission defined as unprofessional conduct by the board under the authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or physician assistant in violation of ch. 450 or 961. "Unprofessional conduct" does not include providing expedited partner therapy as described in s. 448.035.

SECTION 5. 448.035 of the statutes is created to read:
448.035 Expedited partner therapy. (1) In this section:

- (a) "Certified advanced practice nurse prescriber" means a nurse who is certified under s. 441.16 (2).
- (b) "Antimicrobial drug" means a drug identified for the treatment of a chlamydial infection, gonorrhea, or tri-

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

chomoniasis in the most current guidelines for the treatment of sexually transmitted diseases of the federal centers for disease control and prevention. "Antimicrobial drug" does not include a substance listed in the schedules in ss. 961.14, 961.16, 961.18, 961.20, and 961.22 or substances added to these schedules by the controlled substances board acting under s. 961.11 (1).

(c) "Expedited partner therapy" means to prescribe, dispense, or furnish to a patient an antimicrobial drug to be used by a sexual partner of the patient to treat a chlamydial infection, gonorrhea, or trichomoniasis without physical examination of the sexual partner.

(2) Notwithstanding the requirements of s. 448.30, a physician, physician assistant, or certified advanced practice nurse prescriber may provide expedited partner therapy if the patient is diagnosed as infected with a chlamydial infection, gonorrhea, or trichomoniasis and the patient has had sexual contact with a sexual partner during which the chlamydial infection, gonorrhea, or trichomoniasis may have been transmitted to or from the sexual partner. The physician, physician assistant, or certified advanced practice nurse prescriber shall attempt to obtain the name of the patient's sexual partner. A prescription order for an antimicrobial drug prepared under this subsection shall include the name and address of the patient's sexual partner, if known. If the physician, physician assistant, or certified advanced practice nurse prescriber is unable to obtain the name of the patient's sexual partner, the prescription order shall include, in ordinary bold-faced capital letters, the words, "expedited partner therapy" or the letters "EPT."

(3) The physician, physician assistant, or certified advanced practice nurse prescriber shall provide the patient with a copy of the information sheet prepared by the department of health services under s. 46.03 (44) and shall request that the patient give the information sheet to the person with whom the patient had sexual contact.

(4) (a) Except as provided in par. (b), a physician, physician assistant, or certified advanced practice nurse prescriber is immune from civil liability for injury to or the death of a person who takes any antimicrobial drug if the antimicrobial drug is prescribed, dispensed, or furnished under this section and if expedited partner therapy is provided as specified under this section.

(b) The immunity under par. (a) does not extend to the donation, distribution, furnishing, or dispensing of an antimicrobial drug by a physician, physician assistant, or certified advanced practice nurse prescriber whose act or omission involves reckless, wanton, or intentional misconduct.

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

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

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

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

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

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

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

450.11 (1g) **DISPENSING CERTAIN ANTIMICROBIAL DRUGS FOR EXPEDITED PARTNER THERAPY.** (a) In this subsection:

1. "Antimicrobial drug" has the meaning given in s. 448.035 (1) (b).

2. "Expedited partner therapy" has the meaning given in s. 448.035 (1) (c).

(b) A pharmacist may, upon the prescription order of a practitioner providing expedited partner therapy, as specified in s. 448.035, that complies with the requirements of sub. (1), dispense an antimicrobial drug as a course of therapy for treatment of chlamydial infections, gonorrhea, or trichomoniasis to the practitioner's patient or a person with whom the patient has had sexual contact for use by the person with whom the patient has had sexual contact. The pharmacist shall provide a consultation in accordance with rules promulgated by the board for the dispensing of a prescription to the person to whom the antimicrobial drug is dispensed. A pharmacist providing a consultation under this paragraph shall ask whether the person for whom the antimicrobial drug has been prescribed is allergic to the antimicrobial drug and advise that the person for whom the antimicrobial drug has been prescribed must discontinue use of the antimicrobial drug if the person is allergic to or develops signs of an allergic reaction to the antimicrobial drug.

(c) 1. Except as provided in subd. 2., a pharmacist is immune from civil liability for injury to or the death of a person who takes an antimicrobial drug dispensed for that person under this subsection in connection with

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expedited partner therapy if the antimicrobial drug is dispensed as provided under par. (b).

2. The immunity under subd. 1. does not extend to the distribution or dispensing of an antimicrobial drug by a pharmacist whose act or omission involves reckless, wanton, or intentional misconduct.

SECTION 10. 450.11 (4) (a) 5. of the statutes is renumbered 450.11 (4) (a) 5. a. and amended to read:

450.11 (4) (a) 5. a. ~~The~~ Except as provided in subd. 5. b., the full name of the patient.

SECTION 11. 450.11 (4) (a) 5. b. of the statutes is created to read:

450.11 (4) (a) 5. b. For an antimicrobial drug dispensed under sub. (1g), the full name of the patient, if known, or the words, “expedited partner therapy” or the letters “EPT.”
