



2001 ASSEMBLY BILL 698

January 4, 2002 - Introduced by Representatives WASSERMAN, HINES, SINICKI, MUSSER, RICHARDS, SERATTI, LA FAVE, LIPPERT, BERCEAU, SKINDRUD, J. LEHMAN, PLOUFF, LASSA, BOCK, GRONEMUS, POCAN, YOUNG and KREUSER, cosponsored by Senators RISSER, BURKE and PLACHE. Referred to Committee on Health.

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 (45), 441.16 (3m), 448.035 and 450.11 (1g)
3 of the statutes; **relating to:** prescriptions for single-dose antibiotic drugs for
4 treatment of chlamydia, gonorrhea, or trichomonas and requiring the exercise
5 of 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 a single-dose antibiotic drug 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. In addition, the prescription expires 14 days after it is made.

A physician, physician assistant, or advanced practice nurse who makes such a prescription must provide the patient with written information specified in rules promulgated by the department of health and family services (DHFS). In addition, the physician, physician assistant, or advanced practice nurse must 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 (45) of the statutes is created to read:

2 46.03 (45) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. Promulgate
3 a rule specifying the information that a physician, physician assistant, or advanced
4 practice nurse prescriber must provide, in writing, to a patient under s. 448.035 (3).

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

6 441.07 (1) (d) Misconduct or unprofessional conduct. In this paragraph,
7 “misconduct” and “unprofessional conduct” do not include the prescribing of an
8 antibiotic drug as described in s. 448.035.

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

10 441.16 (3m) An advanced practice nurse who is certified under sub. (2) may
11 prescribe an antibiotic drug as described in s. 448.035.

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

13 448.015 (4) “Unprofessional conduct” means those acts or attempted acts of
14 commission or omission defined as unprofessional conduct by the board under the
15 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or
16 physician assistant in violation of ch. 450 or 961. “Unprofessional conduct” does not
17 include the prescribing of an antibiotic drug as described in s. 448.035.

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

19 **448.035 Prescribing certain antibiotic drugs. (1)** In this section:

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

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1 (b) "Antibiotic drug" means an antibiotic drug recommended for treatment of
2 chlamydia, gonorrhea, or trichomonas in the most current guidelines for the
3 treatment of sexually transmitted diseases of the federal centers for disease control.

4 (2) Notwithstanding the requirements of s. 448.30, a physician, physician
5 assistant, or advanced practice nurse prescriber may prescribe a single-dose
6 antibiotic drug for treatment of chlamydia, gonorrhea, or trichomonas to a patient
7 for use by a person with whom the patient has had sexual intercourse if the patient
8 states to the physician, physician assistant, or advanced practice nurse prescriber
9 that the person is not allergic to the drug. The prescription order is required to
10 include the name and address of the patient, but is not required to include the name
11 and address of the person with whom the patient has had sexual intercourse. This
12 subsection does not apply to the prescribing of a substance listed in the schedules in
13 ss. 961.14, 961.16, 961.18, 961.20, and 961.22 or substances added by the controlled
14 substances board acting under s. 961.11 (1). A physician, physician assistant, or
15 advanced practice nurse prescriber may not issue prescriptions under this
16 subsection for more than 2 persons in one year with whom a particular patient has
17 had sexual intercourse.

18 (3) At the time of issuing the prescription under sub. (2), the physician,
19 physician assistant, or advanced practice nurse prescriber shall provide the patient,
20 in writing, with information specified by the department of health and family
21 services under s. 46.03 (45) and request that the patient give the information to the
22 person with whom the patient has had sexual intercourse.

23 (4) A prescription order under sub. (2) shall expire on the 14th day after the
24 day that it is made.

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

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

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

5 450.10 (1) (a) (intro.) In this subsection, “unprofessional conduct” includes any
6 of the following, but is ~~not limited to~~ does not include the dispensing of an antibiotic
7 drug as described in s. 450.11 (1g):

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

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

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

19 450.11 (1g) DISPENSING CERTAIN ANTIBIOTIC DRUGS. (a) In this subsection,
20 “Antibiotic drug” has the meaning given in s. 448.035 (1) (b).

21 (b) A pharmacist may, upon the prescription order of a practitioner, as specified
22 in s. 448.035, and under all other requirements of sub. (1), dispense a single-dose
23 antibiotic drug for treatment of chlamydia, gonorrhea, or trichomonas to a patient
24 for use by a person with whom the patient has had sexual intercourse.

25 **SECTION 10. Nonstatutory provisions.**

