



2003 ASSEMBLY BILL 11

January 28, 2003 - Introduced by Representatives WASSERMAN, HINES, SERATTI, MUSSER, BERCEAU, GRONEMUS, HUBER, LASSA, J. LEHMAN, MILLER, PLOUFF, POCAN, RICHARDS, SINICKI and YOUNG, cosponsored by Senator RISSER. 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 (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.

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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 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.

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. This subsection does not apply
22 to the prescribing of a substance listed in the schedules in ss. 961.14, 961.16, 961.18,
23 961.20, and 961.22 or substances added by the controlled substances board acting
24 under s. 961.11 (1). A physician, physician assistant, or advanced practice nurse

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1 prescriber may not issue prescriptions under this subsection for more than 2 persons
2 in one year with whom a particular patient has had sexual intercourse.

3 (3) At the time of issuing the prescription under sub. (2), the physician,
4 physician assistant, or advanced practice nurse prescriber 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.

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 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 and, if the order is written by the
22 practitioner, the signature of the practitioner. Except as provided in s. 448.035 (2),
23 all prescription orders shall also specify the name and address of the patient. Any
24 oral prescription order shall be immediately reduced to writing by the pharmacist
25 and filed according to sub. (2).

