



## 2007 ASSEMBLY BILL 318

May 8, 2007 - Introduced by Representatives WASSERMAN, TOWNSEND, A. OTT, BERCEAU, GRIGSBY, HAHN, MOLEPSKE, POCAN, SHERIDAN, SINICKI, TOLES, TRAVIS and YOUNG, cosponsored by Senators RISSER, LASSA and LEHMAN. Referred to Committee on Health and Healthcare Reform.

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, gonorrhea, or trichomoniasis and requiring the exercise  
5             of rule-making authority.

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### *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 chlamydial infections, gonorrhea, or trichomoniasis 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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*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  
11 s. 250.01 (4).

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

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

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

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

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

20           448.015 (4) “Unprofessional conduct” means those acts or attempted acts of  
21 commission or omission defined as unprofessional conduct by the board under the

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1 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or  
2 physician assistant in violation of ch. 450 or 961. “Unprofessional conduct” does not  
3 include the prescribing of an antibiotic drug as described in s. 448.035.

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

5 **448.035 Prescribing certain antibiotic drugs. (1)** In this section:

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

8 (b) “Antibiotic drug” means an antibiotic drug recommended for treatment of  
9 chlamydial infections, gonorrhea, or trichomoniasis in the most current guidelines  
10 for the treatment of sexually transmitted diseases of the federal centers for disease  
11 control and prevention.

12 **(2)** Notwithstanding the requirements of s. 448.30, a physician, physician  
13 assistant, or advanced practice nurse prescriber may prescribe an antibiotic drug as  
14 a course of therapy for treatment of chlamydial infections, gonorrhea, or  
15 trichomoniasis to a patient for use by a person with whom the patient has had sexual  
16 intercourse if the patient states to the physician, physician assistant, or advanced  
17 practice nurse prescriber that the person is not allergic to the drug. The prescription  
18 order is not required to include the name and address of the patient. This subsection  
19 does not apply to the prescribing of a substance listed in the schedules in ss. 961.14,  
20 961.16, 961.18, 961.20, and 961.22 or substances added by the controlled substances  
21 board acting under s. 961.11 (1).

22 **(3)** At the time of issuing the prescription under sub. (2), the physician,  
23 physician assistant, or advanced practice nurse prescriber shall direct the patient to  
24 ask the person with whom the patient has had sexual intercourse whether that  
25 person is allergic to the antibiotic drug, and shall inform the patient that the person

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1 with whom the patient has had sexual intercourse must not use or must discontinue  
2 use of the antibiotic drug if the person is allergic to or develops signs of an allergic  
3 reaction to the antibiotic drug. The physician, physician assistant, or advanced  
4 practice nurse prescriber may also provide the patient, in writing, with information  
5 specified by the department of health and family services under s. 46.03 (44) and  
6 request that the patient give the information to the person with whom the patient  
7 has had sexual intercourse. The prescriber shall include in the patient's medical  
8 record a statement indicating that the prescriber has discussed with the patient the  
9 risk of allergies to the antibiotic drug.

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 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, the symptom or purpose for which  
24 the drug is being prescribed if required under sub. (4) (a) 8., and, if the order is  
25 written by the practitioner, the signature of the practitioner. Except as provided in

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1 s. 448.035 (2), all prescription orders shall also specify the name and address of the  
2 patient. Any oral prescription order shall be immediately reduced to writing by the  
3 pharmacist and filed according to sub. (2).

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

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

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

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

16 **SECTION 10. Nonstatutory provisions.**

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.

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(END)