

2001 DRAFTING REQUEST

Bill

Received: **08/08/2001**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Sarah (aide)**

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

Drafter: **kunkemd**

May Contact:

Addl. Drafters: **kenneda**

Subject: **Occupational Reg. - prof lic
Health - public health**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Wasserman@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Authorize physician, physician assistant, or advanced practice nurse to prescribe & pharmacist dispense specific drugs to patient for use by another

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>
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/5	kunkemd 11/06/2001	csicilia 11/07/2001	pgreensl 11/08/2001	_____	lrb_docadmin 11/08/2001	lrb_docadmin	State 12/21/2001

FE Sent For: ↴

At intro.

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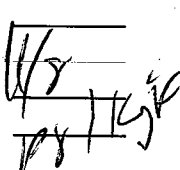
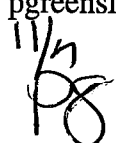
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15 cjs 11/7
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Handwritten signatures and dates: 11/6, 11/6

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14 cjs 11/5
01

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FE Sent For:

<END>

Kennedy, Debora

From: Osterberg, Sarah
Sent: Tuesday, August 07, 2001 4:20 PM
To: Kennedy, Debora
Subject: URGENT Wasserman draft

Hi, Debora:

I received an email copy of Dick Sweet's draft on STDs, so I thought I would sent it to you rather than faxing it, per my voice mail message. If you have any questions, please call.

Thanks.

Sarah

-----Original Message-----

From: Ulrich, Wendy
Sent: Tuesday, August 07, 2001 3:53 PM
To: Osterberg, Sarah
Subject: Per Richard Sweet's Request (0144/2)



0144/2

Wendy Ulrich

*Support Staff Supervisor
Legislative Council Staff
(608) 266-2981
wendy.ulrich@legis.state.wi.us*

08/03/2001

AN ACT *to amend* 441.07 (1) (d), 448.015 (4), 448.04 (1) (a) and 450.10 (1) (a) (intro.); and *to create* 46.03 (44), 441.16 (3m), 448.035 and 450.11 (1g) of the statutes; **relating to:** authorizing a physician, physician assistant, or advanced practice nurse to prescribe and a pharmacist to dispense a single dose antibiotic drug for treatment of chlamydia, gonorrhea, or trichomonas to a patient for use by another and excluding the prescribing and dispensing from applicable definitions of misconduct and unprofessional conduct and granting rule-making authority.

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.

Promulgate a rule specifying what written information practitioners must provide to patients under s. 448.035 (3).

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 the prescribing of an antibiotic drug as described in s. 448.035.

Section 3. 441.16 (3m) of the statutes is created to read:

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

Section 5. 448.035 of the statutes is created to read:

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

(a) "Advanced practice nurse prescriber" means a nurse who is certified under s. 441.16 (2).

(b) "Antibiotic drug" means a drug approved by the federal food and drug administration for human use that has the capacity to inhibit or destroy microorganisms in dilute solution and that is composed wholly or partially of any kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or other drug intended for human use that contains a chemical substance produced by a microorganism or that contains a chemically synthesized equivalent of the substance; or any derivative of the drug.

(c) "Sexual intercourse" means the genital contact by one person with the genitalia of another or cunnilingus, fellatio, or anal intercourse between persons.

(2) Notwithstanding the requirements of s. 448.30 and the requirement to provide the name and address of the patient in s. 450.11 (1), a physician, physician assistant, or advanced practice nurse prescriber may prescribe a single-dose antibiotic drug for treatment of chlamydia, gonorrhea, or trichomonas to a patient for use by a person with whom the patient has had sexual intercourse. This subsection does not apply to the

08/03/2001

prescribing of a substance listed in the schedules in ss. 961.14, 961.16, 961.18, 961.20, and 961.22 or substances added by the controlled substances board acting under s. 961.11 (1). A physician, physician assistant, or advanced practice nurse prescriber may not issue prescriptions under this subsection for more than 2 persons with whom a particular patient has had sexual intercourse.

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

(4) The physician, physician assistant, or advanced practice nurse prescriber shall include on the prescription form a statement requesting the individual who fills the prescription to ask the person with whom the patient has had sexual intercourse whether the person has any drug allergies.

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 antibiotic drug as described in s. 450.11 (1g):

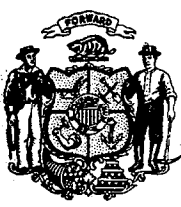
Section 8. 450.11 (1g) of the statutes is created to read:

450.11 (1g) DISPENSING CERTAIN ANTIBIOTIC DRUGS. (a) In this subsection:

1. "Antibiotic drug" has the meaning given in s. 448.035 (1) (a).
2. "Sexual intercourse" has the meaning given in s. 448.035 (1) (b).

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

(END)



D-NOTE

MDK §

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Today by
2:00pm

Now

prescriptions for

REGEN
CAT

1. AN ACT to amend 441.07 (1) (d), 448.015 (4), 448.04 (1) (a) and 450.10 (1) (a)
 2. (intro.); and to create 46.03 (44), 441.16 (3m), 448.035 and 450.11 (1g) of the
 3. statutes; relating to: ~~authorizing a physician, physician assistant, or~~
 4. ~~advanced practice nurse to prescribe and a pharmacist to dispense a~~
 5. single-dose antibiotic drug^s for treatment of chlamydia, gonorrhea, or
 6. trichomonas ~~to a patient for use by another and excluding the prescribing and~~
 7. ~~dispensing from applicable definitions of misconduct and unprofessional~~
 8. ~~conduct and granting~~ rule-making authority. *requiring the exercise of*

INSERT
ANAL

Analysis by the Legislative Reference Bureau

~~This is a preliminary draft. An analysis will be provided in a later version.~~

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

9

SECTION 1. 46.03 ~~(44)~~ (45) of the statutes is created to read:

that a physician,
physician assistant, or
advanced practice nurse
prescriber

(45)

1

46.03 ~~(45)~~ SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. Promulgate

2

a rule specifying ~~that written~~ information ~~practitioners~~ must provide to patients

3

under s. 448.035 (3).

the

a
in writing

4

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

5

441.07 (1) (d) Misconduct or unprofessional conduct. In this paragraph,

6

"misconduct" and "unprofessional conduct" do not include the prescribing of an

7

antibiotic drug as described in s. 448.035.

8

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

9

441.16 (3m) An advanced practice nurse who is certified under sub. (2) may

10

prescribe an antibiotic drug as described in s. 448.035.

11

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

12

448.015 (4) "Unprofessional conduct" means those acts or attempted acts of

13

commission or omission defined as unprofessional conduct by the board under the

14

authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or

15

physician assistant in violation of ch. 450 or 961. "Unprofessional conduct" does not

16

include the prescribing of an antibiotic drug as described in s. 448.035.

17

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

18

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

19

(a) "Advanced practice nurse prescriber" means a nurse who is certified under

20

s. 441.16 (2).

21

(b) "Antibiotic drug" means a drug approved by the federal food and drug

22

administration for human use that has the capacity to inhibit or destroy

23

microorganisms in dilute solution and that is composed wholly or partially of any

24

kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or

25

other drug intended for human use that contains a chemical substance produced by

1 a microorganism or that contains ^{such a} a chemically synthesized equivalent of the
2 substance; or any derivative of ~~the~~ drug.

3 (c) "Sexual intercourse" means the genital contact by one person with the
4 genitalia of another or cunnilingus, fellatio, or anal intercourse between persons.

5 (2) Notwithstanding the requirements of s. 448.30 ~~and the requirement to~~
6 ~~provide the name and address of the patient in s. 450.11 (1)~~ a physician, physician
7 assistant, or advanced practice nurse prescriber may prescribe a single-dose
8 antibiotic drug for treatment of chlamydia, gonorrhoea, or trichomonas to a patient
9 for use by a person with whom the patient has had sexual intercourse. This
10 subsection does not apply to the prescribing of a substance listed in the schedules in
11 ss. 961.14, 961.16, 961.18, 961.20, and 961.22 or substances added by the controlled
12 substances board acting under s. 961.11 (1). A physician, physician assistant, or
13 advanced practice nurse prescriber may not issue prescriptions under this
14 subsection for more than 2 persons with whom a particular patient has had sexual
15 intercourse.

16 (3) At the time of issuing the prescription under sub. (2), the physician,
17 physician assistant, or advanced practice nurse prescriber shall provide the patient
18 with ~~written~~ information specified by the department of health and family services
19 under s. 46.03 ~~(4)~~ ⁽⁴⁵⁾ and request ^{that} the patient ~~to~~ give the information to the person with
20 whom the patient has had sexual intercourse.

21 (4) The physician, physician assistant, or advanced practice nurse prescriber
22 shall include on the prescription form a statement requesting the individual who fills
23 the prescription to ask the person with whom the patient has had sexual intercourse
24 whether the person has any drug allergies.

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

required to include the name and address of the patient, but is

The prescription order is not required to include the name and address of the person with whom the patient has had sexual intercourse.

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 (1g) of the statutes is created to read:

9 450.11 (1g) DISPENSING CERTAIN ANTIBIOTIC DRUGS. (a) In this subsection: ✓

- 10 1. "Antibiotic drug" has the meaning given in s. 448.035 (1) (a). ✓ (b)
- 11 2. "Sexual intercourse" has the meaning given in s. 448.035 (1) (b). (c)

12 (b) ~~Notwithstanding the requirement to provide the name and address of the~~

13 ~~patient in sub. (1)~~ A pharmacist may, upon the prescription order of a practitioner,

14 as specified in s. 448.035, and under all other requirements of sub. (1), dispense a

15 single-dose antibiotic drug for treatment of (a) chlamydia, gonorrhea, or trichomonas

16 to a patient for use by a person with whom the patient has sexual intercourse.

17 (END)

INSERT 4-16

INSERT
4-7

two

INSERT ANAL

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. Such a prescription may be made for no more than ~~0~~ people 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 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. Also, the physician, physician assistant, or advanced practice nurse must include a statement on the prescription form that requests the person who fills the prescription to ask the person with whom the patient has had sexual intercourse whether he or she has any drug allergies.

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

create auto number (A)
INSERT 4-16

1 **SECTION 0. Nonstatutory provisions.**

2 (0) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. The department of
3 health and family services shall submit in proposed form the rules required under
4 section 46.03 (45) of the statutes, as created by this act, to the legislative council staff
5 under section 227.15 (1) of the statutes no later than the first day of the 7th month
6 beginning after the effective date of this subsection.

7 **SECTION 2. Effective date.**

8 (1) This act takes effect on the first day of the 13th month beginning after
9 publication.

INSERT A 1

create auto number (B)

INSERT 4-7

9
Sec. AM 450.11 (1)

plain comma

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 and, if the order is written by the practitioner, the signature of the practitioner. Any oral prescription order shall be immediately reduced to writing by the pharmacist and filed according to sub. (2).

strike

strike

strike comma

✓
Except as provided in S. 448.035 (2),
all prescription orders shall also specify
the name and address of the patient.

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3593/lins2
MDK&DAK:.....

1
2
3
4

INSERT A1:

~~SECTION 1.~~ **Effective dates.** This act takes effect on the first day of the 13th month beginning after publication, except as follows:

(1) SECTION ~~(A)~~ (C) of this act takes effect on the day after publication.

use
autonumber
A

use autonumber B

D-NOTE.

~~Rep~~: Wasserman:

This bill treats the requirements regarding
the name and address of the patient differently
than the Legislative Council draft. Is that okay?

MOK

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3593/1dn
MDK:cjs:pg

September 5, 2001

Rep. Wasserman:

This bill treats the requirements regarding the name and address of the patient differently than the Legislative Council draft. Is that okay?

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

2

Tomorrow
9/7
NOON

2001 BILL

RM has
been
run

if that person is not
allergic to the drug

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. Such a prescription may be made for no more than two people 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 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. Also, the physician, physician assistant, or advanced practice nurse must include a statement on the prescription form that requests the person who fills the prescription to ask the person with whom the patient has had sexual intercourse whether he or she has any drug allergies.

no 9 = In addition, the prescription expires
14 days after it is made.

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 (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).

BILL

if the person is not allergic to the drug

1 (b) "Antibiotic drug" means a drug approved by the federal food and drug
2 administration for human use that has the capacity to inhibit or destroy
3 microorganisms in dilute solution and that is composed wholly or partially of any
4 kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or
5 other drug intended for human use that contains a chemical substance produced by
6 a microorganism or that contains a chemically synthesized equivalent of the
7 substance; or any derivative of such a drug.

8 (c) "Sexual intercourse" means the genital contact by one person with the
9 genitalia of another or cunnilingus, fellatio, or anal intercourse between persons.

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

22 (3) At the time of issuing the prescription under sub. (2), the physician,
23 physician assistant, or advanced practice nurse prescriber shall provide the patient,
24 in writing, with information specified by the department of health and family

The prescription order is also required to

no ff include a statement that it is valid only if the person with whom the patient had sexual intercourse is not allergic to the drug that is prescribed.

BILL

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

services under s. 46.03 (45) and request that the patient give the information to the person with whom the patient has had sexual intercourse.

(4) The physician, physician assistant, or advanced practice nurse prescriber shall include on the prescription form a statement requesting the individual who fills the prescription to ask the person with whom the patient has had sexual intercourse whether the person has any drug allergies.

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 antibiotic drug 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 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:

9/5/01

Based on discussions with

Dr. Jeff Davis (DHES) & Dr. Bill Agger
(608/782-7300), revise bill as follows:

- name & address of person with
whom had sexual intercourse is optional

- 14 day limit

- order must include language
that it's valid only if no
allergies

- make sure pharmacist inquires about
allergies

- limit to 3 people

(Dr. Agger prefers 2,
but can live with 3)

Friday
9/21 PM

NOTE

2001 BILL

Stays

RM has
been
run

in one year

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 that person is not allergic to the drug. Such a prescription may be made for no more than two people 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. Also, the physician, physician assistant, or advanced practice nurse must include a statement on the prescription form that requests the person who fills the prescription to ask the person with whom the patient has had sexual intercourse whether he or she has any drug allergies.

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 (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).

BILL

1 (b) "Antibiotic drug" means a drug approved by the federal food and drug
2 administration for human use that has the capacity to inhibit or destroy
3 microorganisms in dilute solution and that is composed wholly or partially of any
4 kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or
5 other drug intended for human use that contains a chemical substance produced by
6 a microorganism or that contains a chemically synthesized equivalent of the
7 substance; or any derivative of such a drug.

8 (c) "Sexual intercourse" means the genital contact by one person with the
9 genitalia of another or cunnilingus, fellatio, or anal intercourse between persons.

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

in one year

BILL

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

6 (4) The physician, physician assistant, or advanced practice nurse prescriber
7 shall include on the prescription form a statement requesting the individual who fills
8 the prescription to ask the person with whom the patient has had sexual intercourse
9 whether the person has any drug allergies.

10 (5) A prescription order under sub. (2) shall expire on the 14th day after the
11 day that it is made. ✓

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

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

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

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

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

21 450.11 (1) DISPENSING. No person may dispense any prescribed drug or device
22 except upon the prescription order of a practitioner. All prescription orders shall
23 specify the date of issue, ~~the name and address of the patient,~~ the name and address
24 of the practitioner, the name and quantity of the drug product or device prescribed,
25 directions for the use of the drug product or device and, if the order is written by the

BILL

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

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

6 450.11 (1g) DISPENSING CERTAIN ANTIBIOTIC DRUGS. (a) In this subsection:

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

8 2. "Sexual intercourse" has the meaning given in s. 448.035 (1) (c).

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

13 **SECTION 10. Nonstatutory provisions.**

14 (1) **SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION.** The department of
15 health and family services shall submit in proposed form the rules required under
16 section 46.03 (45) of the statutes, as created by this act, to the legislative council staff
17 under section 227.15 (1) of the statutes no later than the first day of the 7th month
18 beginning after the effective date of this subsection.

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

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

22 (END)

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

LRB-3593/3dn

MDK:.....

45

Representative Wasserman:

This version is identical to the previous version, except for the one-year limitation in the last sentence in proposed s. 448.035 (2).

✓
Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3593/3dn
MDK:ejl:kjf

September 21, 2001

Representative Wasserman:

This version is identical to the previous version, except for the one-year limitation in the last sentence in proposed s. 448.035 (2).

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

Kunkel, Mark

From: Osterberg, Sarah
Sent: Monday, October 29, 2001 12:51 PM
To: Kunkel, Mark
Subject: wasserman legislation-additional drafting instructions (lrb 3593/3)



std bill dhfs
additional reque...

Mark,

Just when we thought everyone was on the same page with the STD bill, Dr. Davis and others over at DHFS have asked for additional revisions. Sheldon has agreed to some of them, which I have noted in the attached document (bolded, underlined and in italics). Please incorporate these as soon as possible. Sheldon wants to get out a cosponsorship memo and introduce a bill asap.

Also, please let me know if Sheldon's responses make sense. I will wait to hear from you before I forward them on.

Thanks!

Sarah

Jeff has reviewed and approved the attached comments from Bureau of Communicable Disease staff. We hope they are helpful.

Herb H. Bostrom, Director
Bureau of Communicable Diseases
Wisconsin Division of Public Health
(608) 267-9363
bostrhh@dhfs.state.wi.us

Concerns regarding this proposed bill include:

- 1) • The language under 448.035 (4) appears to place responsibility for inquiring about allergies on the individual dispensing the drug, but the language is unclear and should be rewritten. Could the term “pharmacist” be inserted as the individual responsible for inquiring about allergies?—**Sheldon’s response: This change is inadvisable. The MD or RN writing the prescription is ultimately the responsible party, and this should be reflected in the bill.** ✓
- 2) • As recommended by CDC, a patient who has gonorrhea should be co-treated for chlamydia, unless a test determines that the patient is negative for chlamydia. Therefore, prescriptions for contacts of gonorrhea patients who do not have a negative chlamydia test, should be written for the appropriate single-dose antibiotic regime for both gc and ct.—**Sheldon’s response: This should be addressed in a clinical setting, not in the statutes.** ✓
- 3) • 448.035 (2) limits prescribing “for more than two persons in one year with whom a particular patient has had sexual intercourse”. Our discussion during the bill’s conceptual development focused on patients with more than two contacts per episode. Patients with more than two contacts per episode should be referred to the public health department by the diagnosing physician for contact tracing and risk reduction counseling rather than be provided with prescriptions for their partners. —**Sheldon’s response: This change will be incorporated.** ✓
- 4) • To simplify wording used repeatedly in the bill, the term ‘sexual contact’ could be defined as ‘the person with whom the patient has had sexual intercourse’. Then ‘sexual contact’ could be used throughout the bill instead of the longer phrase.—**Sheldon’s response: This is unnecessary and may require changes elsewhere in the statutes to ensure uniform term references.** ✓
- 5) • The antibiotic drugs to be prescribed should be defined specifically as one of the single dose drugs recommended for treatment for each of the infectious conditions of gonorrhea, chlamydia, or trichomonas, as indicated in the most recent CDC treatment guidelines available.—**Sheldon’s response: This change will be incorporated.**
- 6) • Since these diseases are reportable under other portions of state statute, this bill should include language that reminds health care providers of this responsibility.—**Sheldon’s response: This is unnecessary; “reminders” are not customarily included in legislation.** ✓


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National Center for HIV, STD and TB Prevention
 Division of Sexually Transmitted Diseases

STD Prevention

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The 1998 Guidelines for the Treatment of Sexually Transmitted Diseases

The 1998 Guidelines for the Treatment of Sexually Transmitted Diseases are an update of the 1993 Sexually Transmitted Diseases Treatment Guidelines. They were developed by CDC staff in consultation with a group of nationally recognized STD experts. The recommendations are based on scientific evidence for outcomes of STD therapy: cure, relief of signs and symptoms, prevention of sequelae, and prevention of transmission. These guidelines are a critical source of clinical guidance available to all health care providers who see patients at risk for sexually transmitted diseases.

[1998 Guidelines for the Treatment of Sexually Transmitted Diseases](#) (in Adobe Acrobat PDF format) - Updated on the web 4/4/2000

To View Guidelines, click on the link above. You will need Adobe Acrobat Reader to view the Guidelines. See the Get Acrobat link at the bottom of this page to get a free copy of the reader.

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Notice to Readers: Shortage of Spectinomycin - MMWR, June 8, 2001



Alternatives to Spectinomycin for the Treatment of *Neisseria Gonorrhoeae* (June 8, 2001)

- **Update: Penicillin G Availability** - MMWR Notice to Readers published January 28, 2000
- **Erythromycin Treatment Associated with Infantile Hypertrophic Pyloric Stenosis** (December 16, 1999)
- **Alternatives to Intravenous Penicillin G for Specific**

Infections - Alternative treatment recommendations for congenital syphilis, neurosyphilis and Group B streptococcus in response to the shortage of penicillin G. (October 28, 1999)



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This page last reviewed August 04, 2001

**Centers for Disease Control and Prevention
National Center for HIV, STD and TB Prevention
Division of Sexually Transmitted Diseases Prevention**

4

Tomonaw
PM 11/6

NOTE

2001 BILL

RM
has been
run

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.

the patient states that the

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 that 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. Also, the physician, physician assistant, or advanced practice nurse must include a statement on the prescription form that requests the person who fills the prescription to ask the person with whom the patient has had sexual intercourse whether he or she has any drug allergies.

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 (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).

BILL

1 (b) "Antibiotic drug" means a drug approved by the federal food and drug
2 administration for human use that has the capacity to inhibit or destroy
3 microorganisms in dilute solution and that is composed wholly or partially of any
4 kind of penicillin, streptomycin, chlortetracycline, chloramphenicol, bacitracin, or
5 other drug intended for human use that contains a chemical substance produced by
6 a microorganism or that contains a chemically synthesized equivalent of the
7 substance; or any derivative of such a drug. INSERT 3-7

8 (c) "Sexual intercourse" means the genital contact by one person with the
9 genitalia of another or cunnilingus, fellatio, or anal intercourse between persons.

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

patient states to the
physician, physician
assistant, or advanced practice
nurse prescriber that the

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

6 (4) The physician, physician assistant, or advanced practice nurse prescriber
7 shall include on the prescription form a statement requesting the individual who fills
8 the prescription to ask the person with whom the patient has had sexual intercourse
9 whether the person has any drug allergies.

10 (5) A prescription order under sub. (2) shall expire on the 14th day after the
11 day that it is made.

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

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

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

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

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

21 450.11 (1) **DISPENSING.** No person may dispense any prescribed drug or device
22 except upon the prescription order of a practitioner. All prescription orders shall
23 specify the date of issue, ~~the name and address of the patient,~~ the name and address
24 of the practitioner, the name and quantity of the drug product or device prescribed,
25 directions for the use of the drug product or device and, if the order is written by the

BILL

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

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

6 **450.11 (1g) DISPENSING CERTAIN ANTIBIOTIC DRUGS.** (a) In this subsection:

- 7 1. "Antibiotic drug" has the meaning given in s. 448.035 (1) (b).
8 2. "Sexual intercourse" has the meaning given in s. 448.035 (1) (c).

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

13 **SECTION 10. Nonstatutory provisions.**

14 (1) **SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION.** The department of
15 health and family services shall submit in proposed form the rules required under
16 section 46.03 (45) of the statutes, as created by this act, to the legislative council staff
17 under section 227.15 (1) of the statutes no later than the first day of the 7th month
18 beginning after the effective date of this subsection.

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

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

22 (END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3593/4ins
MDK:.....

1

INSERT 3-7:

2

an antibiotic drug recommended for treatment of chlamydia, gonorrhea, or

3

trichomonas in the most current guidelines for the treatment of sexually transmitted

4

diseases of the federal Centers for Disease Control

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

LRB-3593/4dn

MDK:.....

gjs

Representative Wasserman:

This version is identical to the previous version, except for the following:

- 1. The patient must state that the person for whom the prescription is written is not allergic to the drug.**
- 2. The definition of "antibiotic drug" is changed.**

**Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us**

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

LRB-3593/4dn
MDK:ej:s:jf

November 6, 2001

Representative Wasserman:

This version is identical to the previous version, except for the following:

1. The patient must state that the person for whom the prescription is written is not allergic to the drug.
2. The definition of "antibiotic drug" is changed.

Mark D. Kunkel
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Tomorrow
11/7
by 4:30pm

D-NOTE

2001 BILL

stays
RM has
been
run

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. Also, the physician, physician assistant, or advanced practice nurse must include a statement on the prescription form that requests the person who fills the prescription to ask the person with whom the patient has had sexual intercourse whether he or she has any drug allergies.

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 (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).

BILL

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 (c) "Sexual intercourse" means the genital contact by one person with the
5 genitalia of another or cunnilingus, fellatio, or anal intercourse between persons.

6 (2) Notwithstanding the requirements of s. 448.30, a physician, physician
7 assistant, or advanced practice nurse prescriber may prescribe a single-dose
8 antibiotic drug for treatment of chlamydia, gonorrhea, or trichomonas to a patient
9 for use by a person with whom the patient has had sexual intercourse if the patient
10 states to the physician, physician assistant, or advanced practice nurse prescriber
11 that the person is not allergic to the drug. The prescription order is required to

12 include a statement that it is valid only if the person with whom the patient had
13 sexual intercourse is not allergic to the drug that is prescribed. The prescription

14 order is ~~not~~ required to include the name and address of the patient, but is not
15 required to include the name and address of the person with whom the patient has
16 had sexual intercourse. This subsection does not apply to the prescribing of a
17 substance listed in the schedules in ss. 961.14, 961.16, 961.18, 961.20, and 961.22 or
18 substances added by the controlled substances board acting under s. 961.11 (1). A
19 physician, physician assistant, or advanced practice nurse prescriber may not issue
20 prescriptions under this subsection for more than 2 persons in one year with whom
21 a particular patient has had sexual intercourse.

22 (3) At the time of issuing the prescription under sub. (2), the physician,
23 physician assistant, or advanced practice nurse prescriber shall provide the patient,
24 in writing, with information specified by the department of health and family

BILL

SECTION 5

1 services under s. 46.03 (45) and request that the patient give the information to the
2 person with whom the patient has had sexual intercourse.

3 (4) The physician, physician assistant, or advanced practice nurse prescriber
4 shall include on the prescription form a statement requesting the individual who fills
5 the prescription to ask the person with whom the patient has had sexual intercourse
6 whether the person has any drug allergies.

7 (5) A prescription order under sub. (2) shall expire on the 14th day after the
8 day that it is made.

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

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

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

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

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

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

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 ~~the~~ ^{the}

5 ~~the~~ ^{no} "Antibiotic drug" has the meaning given in s. 448.035 (1) (b).

6 ~~(2) "Sexual intercourse" 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 a single-dose
9 antibiotic drug for treatment of chlamydia, gonorrhea, or trichomonas to a patient
10 for use by a person with whom the patient has had sexual intercourse.

11 **SECTION 10. Nonstatutory provisions.**

12 (1) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. The department of
13 health and family services shall submit in proposed form the rules required under
14 section 46.03 (45) of the statutes, as created by this act, to the legislative council staff
15 under section 227.15 (1) of the statutes no later than the first day of the 7th month
16 beginning after the effective date of this subsection.

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

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

20 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3593/5dn

MDK.....

cs

Representative Wasserman:

This version is identical to the previous version, except for the following:

1. The definition of "sexual intercourse" is eliminated. ✓
2. The requirements about including the statement and request regarding allergies on the prescription form are eliminated.

Mark D. Kunkel
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3593/5dn
MDK:cjs:pg

November 7, 2001

Representative Wasserman:

This version is identical to the previous version, except for the following:

1. The definition of "sexual intercourse" is eliminated.
2. The requirements about including the statement and request regarding allergies on the prescription form are eliminated.

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Emery, Lynn

From: Osterberg, Sarah
Sent: Friday, December 21, 2001 3:30 PM
To: LRB.Legal
Subject: Draft review: LRB-3593/5 Topic: Authorize physician, physician assistant, or advanced practice nurse to prescribe & pharmacist dispense specific drugs to patient for use by another

It has been requested by <Osterberg, Sarah> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB-3593/5 Topic: Authorize physician, physician assistant, or advanced practice nurse to prescribe & pharmacist dispense specific drugs to patient for use by another