

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-AB698)**

Received: **02/19/2002**

Received By: **jkreye**

Wanted: **Soon**

Identical to LRB:

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

By/Representing: **sarah**

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

Drafter: **jkreye**

May Contact:

Addl. Drafters: **kunkemd**

Subject: **Occupational Reg. - misc  
Health - miscellaneous**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Information related to drugs prescribed for treatment of a sexually transmitted disease

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**Instructions:**

See Attached

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**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>
/1	jkreye 02/19/2002	gilfokm 02/19/2002	jfrantze 02/20/2002	_____	lrb_docadmin 02/20/2002	lrb_docadmin 02/20/2002	
	jkreye 02/26/2002	gilfokm 02/26/2002		_____			
/2			pgreensl 02/26/2002	_____	lrb_docadmin 02/26/2002	lrb_docadmin 02/26/2002	

FE Sent For:

<END>

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FE Sent For:		<i>1/2-2/26</i> <i>Kunkemd</i>	<i>2/26</i> <i>ps</i>	<i>self</i> <i>&lt;END&gt;</i>			

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/1	jkreye	1-2/19-02 kmg	2/20	JKB 2/20			

FE Sent For:

<END>

**Kreye, Joseph**

---

**From:** Kunkel, Mark  
**Sent:** Tuesday, February 19, 2002 1:51 PM  
**To:** Kreye, Joseph  
**Subject:** FW: URGENT DRAFTING REQUEST

Thanx!

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

**From:** Osterberg, Sarah  
**Sent:** Tuesday, February 19, 2002 12:05 PM  
**To:** Kunkel, Mark  
**Subject:** URGENT DRAFTING REQUEST

Hi, Mark,

Sheldon would like an amendment drawn up for Assembly Bill 698, relating to the treatment of STDs. The instructions from one of his medical colleagues follows. Please call with any questions. Sheldon will be in tomorrow. We hope the bill will be scheduled for an exec within a week.

Sarah

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

**From:** wagger@gundluth.org [mailto:wagger@gundluth.org]  
**Sent:** Tuesday, February 19, 2002 12:01 PM  
**To:** Osterberg, Sarah  
**Cc:** Davisjp@dhfs.state.wi.us  
**Subject:** Re: dr. wasserman's std bill

Ms. Osterberg,

I've discussed the issues concerning the Dr Wasserman's STD bill with Dr.

J. Davis. We concur that the following changes should be made:

1. Change the wording to indicate a "course of therapy", rather than a "dose" would be more practical for long term use of this bill. Dr. Davis, for public health, will then send out informational to care providers, as needed through time, on which therapy is recommended for this situation on the basis of CDC recommendations, and known susceptibilities of STD's in Wisconsin.

2. Leave out the part that the care provider must give a STD informational to the patient, but put a parenthetical cause in as follows ( It is encouraged that an informational on STDs be given to the patient and contact . This is available from the State of Wis, Div of Public Health).

3. A statement warning the patient to ask the contact about allergy to the prescribed drug, and the cause "if not allergic" be included on the extra prescription should be in the bill for the contacts safety.

Thanks for the chance to give input on this excellent bill. Both Dr Davis and I would be happy to review the "final draft".

Wm Agger

Past President, Wis- IDSA

**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.

**ASSEMBLY BILL 698**

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 <sup>must</sup> provide, in writing, to a patient under s. 448.035 (3).

*and encourage physicians,  
physician assistants, and  
advanced nurse  
prescribers to  
provide  
such  
information  
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).

ASSEMBLY BILL 698

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 <sup>or a course of therapy</sup> 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~~ <sup>may</sup> provide the patient,  
20 in writing, with information specified by the department of health and family  
21 services under s. 46.03 (15) 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:

*not necessary*  
a statement ~~was not necessary~~ the patient to ask the person with whom  
the patient has had sexual intercourse ~~to ask the person if that person~~  
is allergic to the drug, and a statement ~~that~~ <sup>that</sup> the drug should  
not be taken by a person who is allergic to the



**ASSEMBLY BILL 698**

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 <sup>as a course of therapy</sup> 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.**





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa1293/1  
JK&MDK/.....

*kmg*

ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 698

*in 2-19-02*  
*due Fri. 2-22-02*

*#, page 1, line 3: delete "single-dose".*

1  
2  
3  
4  
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11  
12

At the locations indicated, amend the bill as follows:

✓ **1.** Page 2, line 4: delete "must" and substitute "may".

✓ **2.** Page 2, line 4: after "(3)" insert "and encourage physicians, physician assistants, and advanced practice nurse prescribers to provide such information to a patient under s. 448.035 (3)".

✓ **3.** Page 3, line 5: delete "a single-dose" and substitute "an".

✓ **4.** Page 3, line 6: after "drug" insert "as a course of therapy".

✓ **5.** Page 3, line 10: delete "but" and substitute "a statement that ~~warns~~ the patient <sup>should</sup> ask the person with whom the patient has had sexual intercourse whether that person is allergic to the drug, and a statement that ~~warns~~ <sup>indicates</sup> that the drug should not be taken by a person who is allergic to the drug. The prescription order".

✓ **6.** Page 3, line 19: delete "shall" and substitute "may".

*indicates that*





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa1293/1  
JK&MDK:kmg:jf

ASSEMBLY AMENDMENT,  
TO 2001 ASSEMBLY BILL 698

*amend amendment<sup>n</sup>  
to strike  
lines 23+24 on page 3 of the bill  
(per Sarah's voice  
mail message)  
Thanks!  
no 13 needed  
8:30AM  
2/27  
Wed.*

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 1, line 3: delete "single-dose".
- 3 2. Page 2, line 4: delete "must" and substitute "may".
- 4 3. Page 2, line 4: after "(3)" insert "and encourage physicians, physician
- 5 assistants, and advanced practice nurse prescribers to provide such information to
- 6 a patient under s. 448.035 (3)".
- 7 4. Page 3, line 5: delete "a single-dose" and substitute "an".
- 8 5. Page 3, line 6: after "drug" insert "as a course of therapy".
- 9 6. Page 3, line 10: delete "but" and substitute "a statement that indicates that
- 10 the patient should ask the person with whom the patient has had sexual intercourse
- 11 whether that person is allergic to the drug, and a statement that indicates that the
- 12 drug should not be taken by a person who is allergic to the drug. The prescription
- 13 order".





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa1293/1  
JK&MDK:kmg:jf

2

ASSEMBLY AMENDMENT ,  
TO 2001 ASSEMBLY BILL 698

*in Tues  
2-26-02*  
*Today*

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: delete "single-dose".

3 **2.** Page 2, line 4: delete "must" and substitute "may".

4 **3.** Page 2, line 4: after "(3)" insert "and encourage physicians, physician  
5 assistants, and advanced practice nurse prescribers to provide such information to  
6 a patient under s. 448.035 (3)".

7 **4.** Page 3, line 5: delete "a single-dose" and substitute "an".

8 **5.** Page 3, line 6: after "drug" insert "as a course of therapy".

9 **6.** Page 3, line 10: delete "but" and substitute "a statement that indicates that  
10 the patient should ask the person with whom the patient has had sexual intercourse  
11 whether that person is allergic to the drug, and a statement that indicates that the  
12 drug should not be taken by a person who is allergic to the drug. The prescription  
13 order".

1

7. Page 3, line 19: delete "shall" and substitute "may".

2

8. Page 4, line 22: delete "a single-dose" and substitute "an".

3

9. Page 4, line 23: after "drug" insert "as a course of therapy".

4

(END)

✓ #. page 3, line 23: delete lines 23 and 24.



**Beam, Laura**

---

**From:** Beam, Laura  
**Sent:** Wednesday, February 27, 2002 12:24 PM  
**To:** Hoeyx, Joseph  
**Subject:** LRBa1293 per your request



01a1293/2