AN ACT to amend 441.07 (1) (d), 448.015 (4), 448.04 (1) (a), 450.10 (1) (a) (intro.)
and 450.11 (1); and to create 46.03 (44), 441.16 (3m), 448.035 and 450.11 (1g)
of the statutes; relating to: prescriptions for antibiotic drugs for treatment of
chlamydial infections, gonorrhea, or trichomoniasis and requiring the exercise
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 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.
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:

SECTION 1. 46.03 (44) of the statutes is created to read: 46.03 (44) Sexually transmitted disease treatment information. Promulgate a rule specifying the information that a physician, physician assistant, or advanced practice nurse prescriber may provide, in writing, to a patient under s. 448.035 (3) and encourage physicians, physician assistants, and advanced practice nurse prescribers to provide such information to a patient under s. 448.035 (3). The information shall consist of information about sexually transmitted diseases and their treatment and about the risk of drug allergies. The information shall also include a statement advising a person with questions about the information to contact his or her physician, pharmacist, or local health department, as defined in s. 250.01 (4).

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 an antibiotic drug recommended for treatment of
chlamydial infections, gonorrhea, or trichomoniasis in the most current guidelines
for the treatment of sexually transmitted diseases of the federal centers for disease
control and prevention.

(2) Notwithstanding the requirements of s. 448.30, a physician, physician
assistant, or advanced practice nurse prescriber may prescribe an antibiotic drug as
a course of therapy for treatment of chlamydial infections, gonorrhea, or
trichomoniasis to a patient for use by a person with whom the patient has had sexual
intercourse if the patient states to the physician, physician assistant, or advanced
practice nurse prescriber that the person is not allergic to the drug. The prescription
order is not required to include the name and address of the patient. This subsection
does not apply to the 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).

(3) At the time of issuing the prescription under sub. (2), the physician,
physician assistant, or advanced practice nurse prescriber shall direct the patient to
ask the person with whom the patient has had sexual intercourse whether that
person is allergic to the antibiotic drug, and shall inform the patient that the person
with whom the patient has had sexual intercourse must not use or must discontinue
use of the antibiotic drug if the person is allergic to or develops signs of an allergic
reaction to the antibiotic drug. The physician, physician assistant, or advanced
practice nurse prescriber may also provide the patient, in writing, with information
specified by the department of health and family services under s. 46.03 (44) and
request that the patient give the information to the person with whom the patient
has had sexual intercourse. The prescriber shall include in the patient’s medical
record a statement indicating that the prescriber has discussed with the patient the
risk of allergies to the antibiotic drug.

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 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, the symptom or purpose for which
the drug is being prescribed if required under sub. (4) (a) 8., 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:

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

(b) 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 an antibiotic drug as a course of therapy for treatment of chlamydial infections, gonorrhea, or trichomoniasis to a patient or an agent of the patient for use by a person with whom the patient has had sexual intercourse. A pharmacist may dispense an antibiotic drug under this paragraph without providing a consultation to the person with whom the patient has had sexual intercourse.

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

**SECTION 10. Nonstatutory provisions.**

(1) SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. The department of health and family services shall submit in proposed form the rules required under section 46.03 (44) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 7th month beginning after the effective date of this subsection.

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

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