2009 DRAFTING REQUEST

Bill

Received: **12/10/2009**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

For: **Judith Robson (608) 266-2253**

By/Representing: **Nadine Gratz**

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

Drafter: **tkuczens**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Robson@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Prescriptions for certain antimicrobials

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/P1	tkuczens 12/10/2009	kfollett 12/10/2009		_____ _____			
/1			rschluet 12/10/2009	_____ _____	lparisi 12/10/2009	lparisi 12/10/2009	State

FE Sent For: "/1" @ intro. 1/14/10

<END>

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/P1	tkuczens	11/5 f 12/10	12/09				

FE Sent For:

<END>

Kuczenski, Tracy

From: Gratz, Nadine
Sent: Thursday, December 10, 2009 2:40 PM
To: Kuczenski, Tracy
Subject: Senate Bill draft request

Sen. Robson requests that Rep. Pasch's EPT bill be drafted as a Senate companion. Thank you,

Nadine Gratz

State of Wisconsin
2009 – 2010 LEGISLATURE

LRB-~~3403/3~~ 3983/1
TKK:jld:ph
Stays RMMR

2009 BILL

12/10/09
No changes
Today (or by 12/11/09 a.m.)

Regen

1 AN ACT ***to renumber and amend*** 450.11 (4) (a) 5.; ***to amend*** 441.07 (1) (d),
2 441.16 (2), 448.015 (4), 448.04 (1) (a), 450.10 (1) (a) (intro.) and 450.11 (1); and
3 ***to create*** 46.03 (44), 448.035, 450.11 (1g) and 450.11 (4) (a) 5. b. of the statutes;
4 **relating to:** prescriptions for antimicrobial drugs for treatment of chlamydial
5 infections, gonorrhea, or trichomoniasis.

Analysis by the Legislative Reference Bureau

This bill allows a physician, physician assistant, or certified advanced practice nurse prescriber to provide expedited partner therapy. The bill defines "expedited partner therapy" as prescribing, dispensing, or furnishing to a patient an antimicrobial drug to be used by a sexual partner of the patient to treat a chlamydial infection, gonorrhea, or trichomoniasis without physical examination of the sexual partner. The bill defines "antimicrobial drug" as a drug identified for the treatment of a chlamydial infection, gonorrhea, or trichomoniasis in the most current guidelines for the treatment of sexually transmitted diseases of the federal Centers for Disease Control and Prevention. Controlled substances are explicitly excluded from the definition of "antimicrobial drug." A prescription order for an antimicrobial drug prescribed as expedited partner therapy for the treatment of a chlamydial infection, gonorrhea, or trichomoniasis must include the name and address of the patient's sexual partner, if known, or the words "expedited partner therapy" or "EPT" in bold–face capital letters.

Under the bill, the Department of Health Services must prepare an information sheet that includes information about sexually transmitted diseases and their treatment and about the risk of drug allergies.

The bill permits a pharmacist to dispense an antimicrobial drug to a patient upon receipt of a prescription order from a practitioner providing expedited partner therapy. The bill exempts a physician, physician's assistant, or certified advanced practice nurse prescriber who provides expedited partner therapy from civil liability for injury to or the death of a patient's sexual partner unless an act or omission of the physician, physician's assistant, or certified advanced practice nurse prescriber involves reckless, wanton, or intentional misconduct. The bill also exempts a pharmacist who dispenses an antimicrobial drug for the treatment of a chlamydial infection, gonorrhea, or trichomoniasis from civil liability for injury to or the death of a patient's sexual partner unless an act or omission of the pharmacist involves reckless, wanton, or intentional misconduct.

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

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

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

2 46.03 **(44)** SEXUALLY TRANSMITTED DISEASE TREATMENT INFORMATION. Prepare and
3 keep current an information sheet to be distributed to a patient by a physician,
4 physician assistant, or certified advanced practice nurse prescriber providing
5 expedited partner therapy to that patient under s. 448.035. The information sheet
6 shall include information about sexually transmitted diseases and their treatment
7 and about the risk of drug allergies. The information sheet shall also include a
8 statement advising a person with questions about the information to contact his or
9 her physician, pharmacist, or local health department, as defined in s. 250.01 (4).

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

11 441.07 **(1)** (d) Misconduct or unprofessional conduct. <u>In this paragraph,</u>
12 <u>"misconduct" and "unprofessional conduct" do not include providing expedited</u>
13 <u>partner therapy as described in s. 448.035.</u>

1 **SECTION 3.** 441.16 (2) of the statutes is amended to read:

2 441.16 **(2)** The board shall grant a certificate to issue prescription orders to an
3 advanced practice nurse who meets the education, training and examination
4 requirements established by the board for a certificate to issue prescription orders,
5 and who pays the fee specified under s. 440.05 (1). An advanced practice nurse
6 certified under this section may provide expedited partner therapy in the manner
7 described in s. 448.035.

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

9 448.015 **(4)** "Unprofessional conduct" means those acts or attempted acts of
10 commission or omission defined as unprofessional conduct by the board under the
11 authority delegated to the board by s. 15.08 (5) (b) and any act by a physician or
12 physician assistant in violation of ch. 450 or 961. "Unprofessional conduct" does not
13 include providing expedited partner therapy as described in s. 448.035.

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

15 **448.035 Expedited partner therapy. (1)** In this section:

16 (a) "Certified advanced practice nurse prescriber" means a nurse who is
17 certified under s. 441.16 (2).

18 (b) "Antimicrobial drug" means a drug identified for the treatment of a
19 chlamydial infection, gonorrhea, or trichomoniasis in the most current guidelines for
20 the treatment of sexually transmitted diseases of the federal centers for disease
21 control and prevention. "Antimicrobial drug" does not include a substance listed in
22 the schedules in ss. 961.14, 961.16, 961.18, 961.20, and 961.22 or substances added
23 to these schedules by the controlled substances board acting under s. 961.11 (1).

24 (c) "Expedited partner therapy" means to prescribe, dispense, or furnish to a
25 patient an antimicrobial drug to be used by a sexual partner of the patient to treat

1 a chlamydial infection, gonorrhea, or trichomoniasis without physical examination
2 of the sexual partner.

3 **(2)** Notwithstanding the requirements of s. 448.30, a physician, physician
4 assistant, or certified advanced practice nurse prescriber may provide expedited
5 partner therapy if the patient is diagnosed as infected with a chlamydial infection,
6 gonorrhea, or trichomoniasis and the patient has had sexual contact with a sexual
7 partner during which the chlamydial infection, gonorrhea, or trichomoniasis may
8 have been transmitted to or from the sexual partner. The physician, physician
9 assistant, or certified advanced practice nurse prescriber shall attempt to obtain the
10 name of the patient's sexual partner. A prescription order for an antimicrobial drug
11 prepared under this subsection shall include the name and address of the patient's
12 sexual partner, if known. If the physician, physician assistant, or certified advanced
13 practice nurse prescriber is unable to obtain the name of the patient's sexual partner,
14 the prescription order shall include, in ordinary bold–faced capital letters, the words,
15 "expedited partner therapy" or the letters "EPT."

16 **(3)** The physician, physician assistant, or certified advanced practice nurse
17 prescriber shall provide the patient with a copy of the information sheet prepared by
18 the department of health services under s. 46.03 (44) and shall request that the
19 patient give the information sheet to the person with whom the patient had sexual
20 contact.

21 **(4)** (a) Except as provided in par. (b), a physician, physician assistant, or
22 certified advanced practice nurse prescriber is immune from civil liability for injury
23 to or the death of a person who takes any antimicrobial drug if the antimicrobial drug
24 is prescribed, dispensed, or furnished under this section and if expedited partner
25 therapy is provided as specified under this section.

(b) The immunity under par. (a) does not extend to the donation, distribution, furnishing, or dispensing of an antimicrobial drug by a physician, physician assistant, or certified advanced practice nurse prescriber whose act or omission involves reckless, wanton, or intentional misconduct.

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 antimicrobial drug for expedited partner therapy 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, 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:

1 450.11 **(1g)** DISPENSING CERTAIN ANTIMICROBIAL DRUGS FOR EXPEDITED PARTNER
2 THERAPY. (a) In this subsection:
3 1. "Antimicrobial drug" has the meaning given in s. 448.035 (1) (b).
4 2. "Expedited partner therapy" has the meaning given in s. 448.035 (1) (c).
5 (b) A pharmacist may, upon the prescription order of a practitioner providing
6 expedited partner therapy, as specified in s. 448.035, that complies with the
7 requirements of sub. (1), dispense an antimicrobial drug as a course of therapy for
8 treatment of chlamydial infections, gonorrhea, or trichomoniasis to the
9 practitioner's patient or a person with whom the patient has had sexual contact for
10 use by the person with whom the patient has had sexual contact. The pharmacist
11 shall provide a consultation in accordance with rules promulgated by the board for
12 the dispensing of a prescription to the person to whom the antimicrobial drug is
13 dispensed. A pharmacist providing a consultation under this paragraph shall ask
14 whether the person for whom the antimicrobial drug has been prescribed is allergic
15 to the antimicrobial drug and advise that the person for whom the antimicrobial drug
16 has been prescribed must discontinue use of the antimicrobial drug if the person is
17 allergic to or develops signs of an allergic reaction to the antimicrobial drug.
18 (c) 1. Except as provided in subd. 2., a pharmacist is immune from civil liability
19 for injury to or the death of a person who takes an antimicrobial drug dispensed for
20 that person under this subsection in connection with expedited partner therapy if the
21 antimicrobial drug is dispensed as provided under par. (b).
22 2. The immunity under subd. 1. does not extend to the distribution or
23 dispensing of an antimicrobial drug by a pharmacist whose act or omission involves
24 reckless, wanton, or intentional misconduct.

1 **SECTION 10.** 450.11 (4) (a) 5. of the statutes is renumbered 450.11 (4) (a) 5. a.
2 and amended to read:
3 450.11 **(4)** (a) 5. a. ~~The~~ Except as provided in subd. 5. b., the full name of the
4 patient.
5 **SECTION 11.** 450.11 (4) (a) 5. b. of the statutes is created to read:
6 450.11 **(4)** (a) 5. b. For an antimicrobial drug dispensed under sub. (1g), the full
7 name of the patient, if known, or the words, "expedited partner therapy" or the letters
8 "EPT."
9 **(END)**

Parisi, Lori

From: Gratz, Nadine
Sent: Thursday, December 10, 2009 4:00 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3983/1 Topic: Prescriptions for certain antimicrobials

Please Jacket LRB 09-3983/1 for the SENATE.