

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1617

H.P. 1145

House of Representatives, December 23, 2009

An Act Enabling Expedited Partner Therapy

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 21, 2009. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND
Clerk

Presented by Representative PERRY of Calais.

Cosponsored by Representatives: HASKELL of Portland, SIROIS of Turner.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 22 MRSA c. 251, sub-c. 3, art. 5 is enacted to read:

3 ARTICLE 5

4 EXPEDITED PARTNER THERAPY

5 §1241. Definitions

6 As used in this article, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 1. Department. "Department" means the Department of Health and Human
9 Services, Maine Center for Disease Control and Prevention.

10 2. Expedited partner therapy. "Expedited partner therapy" means prescribing,
11 dispensing, furnishing or otherwise providing prescription antibiotic drugs to the sexual
12 partner or partners of a person clinically diagnosed as infected with a sexually transmitted
13 disease without physical examination of the partner or partners.

14 3. Health care professional. "Health care professional" means an allopathic
15 physician licensed pursuant to Title 32, chapter 48, an osteopathic physician licensed
16 pursuant to Title 32, chapter 36, a physician assistant who has been delegated the
17 provision of sexually transmitted disease therapy or expedited partner therapy by that
18 physician assistant's supervising physician, an advanced practice registered nurse who has
19 a written collaborative agreement with a collaborating physician that authorizes the
20 provision of sexually transmitted disease therapy or expedited partner therapy or an
21 advanced practice registered nurse who possesses appropriate clinical privileges in
22 accordance with Title 32, chapter 31.

23 4. Sexually transmitted disease. "Sexually transmitted disease" means a bacterial,
24 viral, fungal or parasitic disease determined by rule of the department to be sexually
25 transmitted, to be a threat to the public health and welfare and to be a disease for which a
26 legitimate public interest will be served by providing for its regulation and treatment.

27 §1242. Expedited partner therapy

28 Notwithstanding any other provision of law, a health care professional who makes a
29 clinical diagnosis of a sexually transmitted disease may provide expedited partner therapy
30 for the treatment of the sexually transmitted disease if in the judgment of the health care
31 professional the sexual partner is unlikely or unable to present for comprehensive health
32 care, including evaluation, testing and treatment for sexually transmitted diseases.
33 Expedited partner therapy is limited to a sexual partner who may have been exposed to a
34 sexually transmitted disease within the previous 60 days and who is able to be contacted
35 by the patient.

1 **1. Counseling.** A health care professional who provides expedited partner therapy
2 shall provide counseling for the patient and written materials provided by the department
3 to be given by the patient to the sexual partner that include at a minimum the following:

4 A. A warning that a woman who is pregnant or might be pregnant should not take
5 certain antibiotics and should immediately contact a health care professional for an
6 examination;

7 B. Information about the antibiotic and dosage provided or prescribed; clear and
8 explicit allergy and side effect warnings, including a warning that a sexual partner
9 who has a history of allergy to the antibiotic or the pharmaceutical class of antibiotic
10 should not take the antibiotic and should be immediately examined by a health care
11 professional;

12 C. Information about the treatment and prevention of sexually transmitted diseases;

13 D. The requirement of abstinence until a period of time after treatment to prevent
14 infecting others;

15 E. Notification of the importance of the sexual partner's receiving examination and
16 testing for the human immunodeficiency virus and other sexually transmitted diseases
17 and information regarding available resources;

18 F. Notification of the risk to the sexual partner, others and the public health if the
19 sexually transmitted disease is not completely and successfully treated;

20 G. The responsibility of the sexual partner to inform that person's sexual partners of
21 the risk of sexually transmitted disease and the importance of prompt examination
22 and treatment; and

23 H. Information other than the information under paragraphs A to G as determined
24 necessary by the department.

25 **2. Department to develop and disseminate materials.** Taking into account the
26 recommendations of the federal Department of Health and Human Services, Centers for
27 Disease Control and Prevention and other nationally recognized medical authorities, the
28 department shall provide information and technical assistance as appropriate to health
29 care professionals who provide expedited partner therapy. The department shall develop
30 and disseminate in electronic and other formats the following written materials:

31 A. Informational materials for sexual partners, as described in subsection 1;

32 B. Informational materials for persons who are repeatedly diagnosed with sexually
33 transmitted diseases; and

34 C. Guidance for health care professionals on the safe and effective provision of
35 expedited partner therapy.

36 The department may offer educational programs about expedited partner therapy for
37 health care professionals and pharmacists licensed under the Maine Pharmacy Act.

38 **3. Immunity for health care professional.** A health care professional who provides
39 expedited partner therapy in good faith without fee or compensation under this section
40 and provides counseling and written materials as required in subsection 1 is not subject to

1 civil or professional liability in connection with the provision of the therapy, counseling
2 and materials, except in the case of willful and wanton misconduct. A health care
3 professional is not subject to civil or professional liability for choosing not to provide
4 expedited partner therapy.

5 **4. Immunity for pharmacist or pharmacy.** A pharmacist or pharmacy is not
6 subject to civil or professional liability for choosing not to fill a prescription that would
7 cause that pharmacist or pharmacy to violate any provision of the Maine Pharmacy Act.

8 **5. Rules.** The department shall adopt rules, which are routine technical rules
9 pursuant to Title 5, chapter 375, subchapter 2-A, to implement this section. The
10 department shall consider designating certain diseases as sexually transmitted diseases,
11 including, but not limited to, chancroid, gonorrhea, granuloma inguinale,
12 lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal
13 urethritis, pelvic inflammatory disease, acute salpingitis, syphilis, Acquired Immune
14 Deficiency Syndrome and human immunodeficiency virus, and shall consider the
15 recommendations and classifications of the federal Department of Health and Human
16 Services, Centers for Disease Control and Prevention and other nationally recognized
17 medical authorities.

18 **Sec. 2. 32 MRSA §2110** is enacted to read:

19 **§2110. Expedited partner therapy**

20 An individual licensed under this chapter may not be disciplined for providing
21 expedited partner therapy in accordance with the provisions of Title 22, chapter 251,
22 subchapter 3, article 5.

23 **Sec. 3. 32 MRSA §2600-B** is enacted to read:

24 **§2600-B. Expedited partner therapy**

25 An individual licensed under this chapter may not be disciplined for providing
26 expedited partner therapy in accordance with the provisions of Title 22, chapter 251,
27 subchapter 3, article 5.

28 **Sec. 4. 32 MRSA §3300-B** is enacted to read:

29 **§3300-B. Expedited partner therapy**

30 An individual licensed under this chapter may not be disciplined for providing
31 expedited partner therapy in accordance with the provisions of Title 22, chapter 251,
32 subchapter 3, article 5.

33 **Sec. 5. 32 MRSA §13794**, as amended by PL 1999, c. 130, §14, is further
34 amended by adding at the end a new paragraph to read:

35 A drug dispensed in accordance with the provisions of Title 22, chapter 251,
36 subchapter 3, article 5 does not require the name of the patient's sexual partner on the
37 label.

1 **Sec. 6. 32 MRSA §13798** is enacted to read:

2 **§13798. Expedited partner therapy**

3 An individual licensed under this chapter may not be disciplined for dispensing drugs
4 pursuant to a lawful prescription in accordance with the provisions of Title 22, chapter
5 251, subchapter 3, article 5.

6 **Sec. 7. Maine Revised Statutes headnote amended; revision clause.** In the
7 Maine Revised Statutes, Title 22, chapter 251, subchapter 3, in the subchapter headnote,
8 the words "venereal diseases" are amended to read "sexually transmitted diseases" and
9 the Revisor of Statutes shall implement this revision when updating, publishing or
10 republishing the statutes.

11 **SUMMARY**

12 This bill allows a health care professional who diagnoses a patient with a sexually
13 transmitted disease to provide prescription antibiotic drugs to that patient's sexual partner
14 for the treatment of the sexually transmitted disease without a physical examination if in
15 the judgment of the health care professional the partner is unlikely or unable to be seen
16 for comprehensive health care.