

**SENATE BILL No. 144**

By Committee on Public Health and Welfare

2-11

1 AN ACT concerning health and healthcare; relating to the treatment of  
2 sexually transmitted diseases; allowing for the use of expedited partner  
3 therapy.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) As used in this section:

7 (1) "Department" means the department of health and environment.

8 (2) "Expedited partner therapy" means to prescribe, administer,  
9 dispense or otherwise provide antimicrobial drugs to a sexual partner of a  
10 patient clinically diagnosed by a healthcare provider as infected with a  
11 sexually transmitted disease without a physical examination of such sexual  
12 partner.

13 (3) "Healthcare provider" means a person licensed by the state board  
14 of healing arts to practice medicine and surgery, an advanced practice  
15 registered nurse licensed under the Kansas nurse practice act who has  
16 authority to prescribe drugs in accordance with a written protocol with a  
17 responsible physician under K.S.A. 65-1130, and amendments thereto, or a  
18 physician assistant licensed under the physician assistant licensure act who  
19 has authority to prescribe drugs in accordance with a written protocol with  
20 a responsible physician under K.S.A. 65-28a08, and amendments thereto.

21 (4) "Pharmacist" means a person licensed by the state board of  
22 pharmacy to practice pharmacy.

23 (5) "Secretary" means the secretary of health and environment or the  
24 secretary's designee.

25 (6) "Sexually transmitted disease" means any disease transmitted  
26 through sexual contact defined by rules and regulations adopted by the  
27 secretary as a reportable infectious disease under K.S.A. 65-118, and  
28 amendments thereto, and designated as appropriate for expedited partner  
29 therapy by rules and regulations adopted by the secretary.

30 (b) (1) A healthcare provider who clinically diagnoses a patient with a  
31 sexually transmitted disease may provide expedited partner therapy if, in  
32 the professional judgment of the healthcare provider, the patient's sexual  
33 partner is unlikely or unable to present for examination, testing and  
34 treatment.

35 (2) A healthcare provider who provides expedited partner therapy  
36 shall provide counseling to the patient, including distributing written

1 materials developed and provided by the department to be given by the  
2 patient to the patient's sexual partner.

3 (3) A healthcare provider shall use expedited partner therapy only for  
4 a patient's sexual partner who may have been exposed to a sexually  
5 transmitted disease within 60 days immediately prior to the patient's  
6 clinical diagnosis and who is able to be contacted and identified by the  
7 patient.

8 (c) (1) No healthcare provider or pharmacist shall be liable for civil  
9 damages resulting from any act or omission in good faith compliance with  
10 the provisions of this section, including civil damages for refusing to  
11 provide expedited partner therapy, other than an act or omission  
12 constituting gross negligence or willful or wanton misconduct.

13 (2) No healthcare provider or pharmacist shall be subject to  
14 disciplinary action by the state board of healing arts, the board of nursing  
15 or the state board of pharmacy, as applicable, on the basis of an act or  
16 omission in good faith compliance with the provisions of this section,  
17 other than an act or omission constituting gross negligence or willful or  
18 wanton misconduct.

19 (d) The department shall include the following information in written  
20 materials developed and provided for distribution as required by  
21 subsection (b)(2):

22 (1) A warning that a woman who is pregnant or might be pregnant  
23 should not take certain antibiotics and should immediately contact a  
24 healthcare provider for an examination;

25 (2) information about the antimicrobial drug and dosage provided or  
26 prescribed, including a warning that a sexual partner who has a history of  
27 allergy to the drug or the pharmaceutical class of drug should not take the  
28 drug and should immediately contact a healthcare provider for  
29 examination;

30 (3) information about the treatment and prevention of sexually  
31 transmitted diseases;

32 (4) the requirement of sexual abstinence until a period of time after  
33 treatment to prevent infecting other sexual partners;

34 (5) notification of the importance of the sexual partner's receiving  
35 examination and testing for human immunodeficiency virus and other  
36 sexually transmitted diseases and information about available resources;

37 (6) notification of the risk to the patient, the patient's sexual partner  
38 and the general public if the sexually transmitted disease is not completely  
39 and successfully treated;

40 (7) the responsibility of the sexual partner to inform the sexual  
41 partner's own sexual partners of the risk of sexually transmitted disease  
42 and the importance of prompt examination and treatment by a healthcare  
43 provider; and

- 1       (8) such other information deemed necessary by the secretary.
- 2       (e) The secretary shall adopt rules and regulations as necessary to
- 3       implement and administer this section.
- 4       Sec. 2. This act shall take effect and be in force from and after its
- 5       publication in the statute book.