

SENATE BILL No. 404

By Committee on Public Health and Welfare

1-25

1 AN ACT concerning health and healthcare; relating to the treatment of
2 sexually transmitted diseases; permitting the use of expedited partner
3 therapy for the treatment thereof.
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 issued a license pursuant to K.S.A. 65-1131, and
16 amendments thereto, who has authority to prescribe drugs under K.S.A.
17 65-1130, and amendments thereto, or a physician assistant licensed under
18 the physician assistant licensure act who has authority to prescribe drugs in
19 accordance with a written protocol with a responsible physician under
20 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 (4) A child who is 16 years of age or older may consent to receive
9 expedited partner therapy when no parent or guardian is immediately
10 available.

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

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

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

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

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

33 (3) information about the treatment and prevention of sexually
34 transmitted diseases;

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

37 (5) notification of the importance of the sexual partners receiving
38 examination and testing for human immunodeficiency virus and other
39 sexually transmitted diseases and information about available resources;

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

43 (7) the responsibility of the sexual partner to inform the sexual

1 partner's own sexual partners of the risk of sexually transmitted disease
2 and the importance of prompt examination and treatment by a healthcare
3 provider; and

4 (8) such other information deemed necessary by the secretary.

5 (e) The secretary shall adopt rules and regulations as necessary to
6 implement and administer this section.

7 Sec. 2. This act shall take effect and be in force from and after its
8 publication in the statute book.