

SENATE BILL No. 448

By Committee on Public Health and Welfare

2-2

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 practitioner or mid-level
14 practitioner as those terms are defined in K.S.A. 65-1626, and
15 amendments thereto.

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

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

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

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

30 (2) A healthcare provider who provides expedited partner therapy
31 shall provide counseling to the patient, including distributing written
32 materials developed and provided by the department to be given by the
33 patient to the patient's sexual partner.

34 (3) A healthcare provider shall use expedited partner therapy only for
35 a patient's sexual partner who may have been exposed to a sexually
36 transmitted disease within 60 days immediately prior to the patient's

1 clinical diagnosis and who is able to be contacted and identified by the
2 patient.

3 (4) A child who is 16 years of age or older may consent to receive
4 expedited partner therapy when no parent or guardian is immediately
5 available.

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

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

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

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

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

28 (3) information about the treatment and prevention of sexually
29 transmitted diseases;

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

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

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

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

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

43 (e) The secretary shall adopt rules and regulations as necessary to

1 implement and administer this section.

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