SENATE BILL No. 404

By Committee on Public Health and Welfare

AN ACT concerning health and healthcare; relating to the treatment of sexually transmitted diseases; permitting the use of expedited partner therapy for the treatment thereof.

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

Section 1. (a) As used in this section:
1. "Department" means the department of health and environment.
2. "Expedited partner therapy" means to prescribe, administer, dispense or otherwise provide antimicrobial drugs to a sexual partner of a patient clinically diagnosed by a healthcare provider as infected with a sexually transmitted disease without a physical examination of such sexual partner.
3. "Healthcare provider" means a person licensed by the state board of healing arts to practice medicine and surgery, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs in accordance with a written protocol with a responsible physician under K.S.A. 65-28a08, and amendments thereto.
4. "Pharmacist" means a person licensed by the state board of pharmacy to practice pharmacy.
5. "Secretary" means the secretary of health and environment or the secretary's designee.
6. "Sexually transmitted disease" means any disease transmitted through sexual contact, defined by rules and regulations adopted by the secretary as a reportable infectious disease under K.S.A. 65-118, and amendments thereto, and designated as appropriate for expedited partner therapy by rules and regulations adopted by the secretary.
(b) (1) A healthcare provider who clinically diagnoses a patient with a sexually transmitted disease may provide expedited partner therapy if, in the professional judgment of the healthcare provider, the patient's sexual partner is unlikely or unable to present for examination, testing and treatment.
(2) A healthcare provider who provides expedited partner therapy shall provide counseling to the patient, including distributing written
materials developed and provided by the department to be given by the
patient to the patient's sexual partner.

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

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

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

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

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

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

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

(3) Information about the treatment and prevention of sexually
transmitted diseases;

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

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

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

(7) The responsibility of the sexual partner to inform the sexual
partner's own sexual partners of the risk of sexually transmitted disease
and the importance of prompt examination and treatment by a healthcare
provider; and
(8) such other information deemed necessary by the secretary.
(e) The secretary shall adopt rules and regulations as necessary to
implement and administer this section.
Sec. 2. This act shall take effect and be in force from and after its
publication in the statute book.