

SENATE BILL 349

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71r2297

By: **Senator McFadden**

Introduced and read first time: February 1, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Disease Prevention – Sexually Transmitted Diseases – Expedited Partner**
3 **Therapy Pilot Program**

4 FOR the purpose of establishing the Expedited Partner Therapy Pilot Program in the
5 Baltimore City Health Department; providing for the purpose of the Program;
6 authorizing certain health care providers to prescribe, dispense, or otherwise
7 provide certain antibiotic therapy to certain partners of patients diagnosed with
8 certain sexually transmitted diseases without making a certain physical
9 assessment; requiring the Secretary of Health and Mental Hygiene and the
10 Commissioner of the Baltimore City Health Department to adopt jointly certain
11 regulations; establishing civil immunity for certain health care providers in
12 certain circumstances; requiring the Baltimore City Health Department to
13 report to the Governor and General Assembly regarding the operation and
14 performance of the Program on or before a certain date each year; providing for
15 the termination of this Act; and generally relating to the prevention of sexually
16 transmitted diseases and the Expedited Partner Therapy Pilot Program.

17 BY adding to

18 Article – Health – General

19 Section 18–214.1

20 Annotated Code of Maryland

21 (2005 Replacement Volume and 2006 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article - Health - General**18-214.1.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "COMMISSIONER" MEANS THE COMMISSIONER OF HEALTH OF THE BALTIMORE CITY HEALTH DEPARTMENT.

(3) "PROGRAM" MEANS THE EXPEDITED PARTNER THERAPY PILOT PROGRAM.

(B) THERE IS AN EXPEDITED PARTNER THERAPY PILOT PROGRAM IN THE BALTIMORE CITY HEALTH DEPARTMENT.

(C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE ANTIBIOTIC THERAPY TO THE PARTNER OF A PATIENT DIAGNOSED WITH A SEXUALLY TRANSMITTED INFECTION IDENTIFIED IN SUBSECTION (D) OF THIS SECTION IN ORDER TO CONTAIN THE INFECTION AND STOP THE FURTHER SPREAD OF IT.

(D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN A PUBLIC HEALTH CLINIC ESTABLISHED BY THE COMMISSIONER IN BALTIMORE CITY, THE FOLLOWING HEALTH CARE PROVIDERS MAY PRESCRIBE, DISPENSE, OR OTHERWISE PROVIDE ANTIBIOTIC THERAPY TO ANY SEXUAL PARTNER OF A PATIENT DIAGNOSED WITH CHLAMYDIA OR GONORRHEA WITHOUT MAKING A PERSONAL PHYSICAL ASSESSMENT OF THE PATIENT'S PARTNER:

(1) A PHYSICIAN LICENSED UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE;

(2) A CERTIFIED NURSE PRACTITIONER IN ACCORDANCE WITH § 8-508 OF THE HEALTH OCCUPATIONS ARTICLE; AND

(3) AN AUTHORIZED PHYSICIAN ASSISTANT IN ACCORDANCE WITH § 15-302.2 OF THE HEALTH OCCUPATIONS ARTICLE.

(E) THE SECRETARY AND THE COMMISSIONER JOINTLY SHALL ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

1 **(F) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LICENSED**
2 **PHYSICIAN, CERTIFIED NURSE PRACTITIONER, LICENSED REGISTERED NURSE,**
3 **LICENSED PRACTICAL NURSE, OR CERTIFIED PHYSICIAN ASSISTANT MAY NOT**
4 **BE HELD CIVILLY LIABLE FOR ANY ACT OR OMISSION PERFORMED IN**
5 **ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION IF:**

6 **(1) THE ACT OR OMISSION DOES NOT CONSTITUTE GROSS**
7 **NEGLIGENCE;**

8 **(2) THE PRESCRIPTION ANTIBIOTIC THERAPY IS PROVIDED TO**
9 **THE PATIENT'S PARTNER WITHOUT FEE OR OTHER COMPENSATION FROM THE**
10 **PATIENT'S PARTNER; OR**

11 **(3) THE PRESCRIPTION ANTIBIOTIC THERAPY IS PROVIDED IN**
12 **BALTIMORE CITY TO THE PATIENT AT A PUBLIC HEALTH CLINIC FOR THE**
13 **PATIENT'S SEXUAL PARTNER.**

14 **(G) ON OR BEFORE DECEMBER 31, 2007, AND EACH YEAR THEREAFTER,**
15 **THE BALTIMORE CITY HEALTH DEPARTMENT SHALL REPORT TO THE**
16 **GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE,**
17 **THE GENERAL ASSEMBLY, ON THE OPERATION AND PERFORMANCE OF THE**
18 **EXPEDITED PARTNER THERAPY PILOT PROGRAM.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2007. It shall remain effective for a period of 5 years and, at the end of June 30,
21 2012, with no further action required by the General Assembly, this Act shall be
22 abrogated and of no further force and effect.