

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2007

CHAPTER _____

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

18 BY adding to

19 Article – Health – General

20 Section 18-214.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2005 Replacement Volume and 2006 Supplement)

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

5 **Article - Health - General**

6 **18-214.1.**

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

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

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

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

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

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

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

28 (2) A CERTIFIED NURSE PRACTITIONER IN ACCORDANCE WITH
29 § 8-508 OF THE HEALTH OCCUPATIONS ARTICLE; AND

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

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

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

10 ~~(1) THE ACT OR OMISSION DOES NOT CONSTITUTE GROSS~~
11 ~~NEGLIGENCE;~~

12 ~~(2) THE PRESCRIPTION ANTIBIOTIC THERAPY IS PROVIDED TO~~
13 ~~THE PATIENT'S PARTNER WITHOUT FEE OR OTHER COMPENSATION FROM THE~~
14 ~~PATIENT'S PARTNER; OR~~

15 ~~(3) THE PRESCRIPTION ANTIBIOTIC THERAPY IS PROVIDED IN~~
16 ~~BALTIMORE CITY TO THE PATIENT AT A PUBLIC HEALTH CLINIC FOR THE~~
17 ~~PATIENT'S SEXUAL PARTNER.~~

18 ~~(G)~~ (F) ON OR BEFORE DECEMBER 31, 2007, AND EACH YEAR
19 THEREAFTER, THE BALTIMORE CITY HEALTH DEPARTMENT SHALL REPORT TO
20 THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT
21 ARTICLE, THE GENERAL ASSEMBLY, ON THE OPERATION AND PERFORMANCE
22 OF THE EXPEDITED PARTNER THERAPY PILOT PROGRAM.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2007. It shall remain effective for a period of ~~5~~ 3 years and, at the end of June
25 30, ~~2012~~ 2010, with no further action required by the General Assembly, this Act shall
26 be abrogated and of no further force and effect.