

CHAPTER 146

(Senate Bill 349)

AN ACT concerning

Disease Prevention – Sexually Transmitted Diseases – Expedited Partner Therapy Pilot Program

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

BY adding to

Article – Health – General

Section 18-214.1

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

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,~~ 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.**

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

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

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

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

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

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

Approved by the Governor, April 24, 2007.