EXPEDITED PARTNER THERAPY TREATMENT

2009 GENERAL SESSION

STATE OF UTAH

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LONG TITLE

General Description:

This bill amends the Pharmacy Practice Act in the Division of Occupational and Professional Licensing Act.

Highlighted Provisions:

This bill:

- defines terms;
- excludes from the definition of unprofessional conduct and unlawful conduct under the Division of Occupational and Professional Licensing, issuing a prescription for an antibiotic to an unnamed partner of a person who has any one of certain designated sexually transmitted diseases;
- does not mandate the use of expedited partner therapy;
- provides an option for a practitioner to use expedited partner therapy;
- makes conforming changes to the Pharmacy Practices Act;
- provides immunity from medical malpractice actions for a practitioner who uses expedited partner therapy; and
- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-17b-602, as last amended by Laws of Utah 2007, Chapter 279

ENACTS:

58-1-501.3, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-1-501.3** is enacted to read:

58-1-501.3. Health professional prescribing exceptions for expedited partner therapy for sexually transmitted diseases.

(1) For purposes of this section:

(a) "Drug to treat a sexually transmitted disease" means a drug:

(i) as defined in Section 58-17b-102; and

(ii) that is:

(A) an antibiotic; and

(B) prescribed in accordance with guidelines from the Centers for Disease Control and Prevention for patient delivered expedited partner therapy in the management of sexually transmitted disease.

(b) "Partner" means a person:

(i) with whom a practitioner does not have a bonafide practitioner-patient relationship; and

(ii) who is identified as, or claims to be a sexual partner of a patient.

(c) "Patient" means a person who:

(i) has a sexually transmitted disease; and

(ii) has a bonafide practitioner-patient relationship with a practitioner.

(d) "Sexually transmitted disease" means:

(i) gonorrhea; or

(ii) chlamydia.

(2) This section does not require a practitioner or a licensee under this chapter to prescribe or dispense a drug to treat a sexually transmitted disease for patient delivered expedited partner therapy. A practitioner's or licensee's decision to use expedited partner therapy as allowed by this section is voluntary.

(3) Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502, it is not unlawful conduct or unprofessional conduct, and it does not violate the provisions of this chapter if:

(a) a practitioner, in accordance with this Subsection (3):

(i) issues a prescription for a drug to treat a sexually transmitted disease to a partner by:

(A) writing "partner of (patient name)" on the prescription order; and

(B) giving the partner's prescription to the patient for subsequent use by the partner; or

(ii) notwithstanding Section 58-17b-610, dispenses a drug sample to treat a sexually transmitted disease to the patient for the subsequent use of the partner; or

(b) a pharmacist, in accordance with this Subsection (3), dispenses a prescription drug for the treatment of a sexually transmitted disease to:

(i) a person who:

(A) claims to be a partner; and

(B) presents a prescription for the drug to the pharmacist which is written for the unnamed partner of a named patient;

(ii) the patient for the subsequent use by the unnamed partner; or

(iii) an agent of the patient or partner.

(4) (a) For purposes of Subsection (3), and notwithstanding Section 58-17b-602:

(i) the partner does not have to be identified on the prescription order by information that would disclose the identity of the partner; and

(ii) when dispensing a drug to treat a sexually transmitted disease directly to the

partner, the patient's identifying information may, but does not need to, be included on the partner's drug label.

(b) Information provided by a pharmacist to a patient or the patient's agent for subsequent use by a partner satisfies the requirements of patient counseling for both the patient and the partner under Section 58-17b-613.

(5) (a) The Legislature finds that the prevention and treatment of sexually transmitted diseases in the state is a compelling public health issue.

(b) A practitioner or licensee under this chapter is not liable for a medical malpractice action if the use of expedited partner therapy is in compliance with this section, except for those acts which are grossly negligent or willful and wanton.

Section 2. Section **58-17b-602** is amended to read:

58-17b-602. Prescription orders -- Information required -- Alteration -- Labels -- Signatures -- Dispensing in pharmacies.

(1) [~~The~~] Except as provided in Section 58-1-501.3, the minimum information that shall be included in a prescription order, and that may be defined by rule, is:

(a) the prescriber's name, address, and telephone number, and, if the order is for a controlled substance, the patient's age and the prescriber's DEA number;

(b) the patient's name and address or, in the case of an animal, the name of the owner and species of the animal;

(c) the date of issuance;

(d) the name of the medication or device prescribed and dispensing instructions, if necessary;

(e) the directions, if appropriate, for the use of the prescription by the patient or animal and any refill, special labeling, or other instructions;

(f) the prescriber's signature if the prescription order is written;

(g) if the order is an electronically transmitted prescription order, the prescribing practitioner's electronic signature; and

(h) if the order is a hard copy prescription order generated from electronic media, the

prescribing practitioner's electronic or manual signature.

(2) The requirement of Subsection (1)(a) does not apply to prescription orders dispensed for inpatients by hospital pharmacies if the prescriber is a current member of the hospital staff and the prescription order is on file in the patient's medical record.

(3) Unless it is for a Schedule II controlled substance, a prescription order may be dispensed by [~~pharmacists~~] a pharmacist or pharmacy [~~interns~~] intern upon an oral prescription of a practitioner only if the oral prescription is promptly reduced to writing.

(4) (a) Except as provided under Subsection (4)(b), a pharmacist or pharmacy intern may not dispense or compound any prescription of a practitioner if [~~it~~] the prescription shows evidence of alteration, erasure, or addition by any person other than the person writing the prescription.

(b) A pharmacist or pharmacy intern dispensing or compounding a prescription may alter or make additions to the prescription after receiving permission of the prescriber and may make entries or additions on the prescription required by law or necessitated in the compounding and dispensing procedures.

(5) Each drug dispensed shall have a label securely affixed to the container indicating the following minimum information:

(a) the name, address, and telephone number of the pharmacy;

(b) the serial number of the prescription as assigned by the dispensing pharmacy;

(c) the filling date of the prescription or its last dispensing date;

(d) the name of the patient, or in the case of an animal, the name of the owner and species of the animal;

(e) the name of the prescriber;

(f) the directions for use and cautionary statements, if any, which are contained in the prescription order or are needed;

(g) except as provided in Subsection (6), the trade, generic, or chemical name, amount dispensed and the strength of dosage form, but if multiple ingredient products with established proprietary or nonproprietary names are prescribed, those products' names may be used; and

(h) the beyond use date.

(6) If the prescriber specifically indicates the name of the prescription product should not appear on the label, then any of the trade, generic, chemical, established proprietary, and established nonproprietary names and the strength of dosage form may not be included.

(7) Except when it is delivered to the ultimate user via the United States Postal Service, licensed common carrier, or supportive personnel, a prescription drug may be dispensed to the ultimate user or his agent only at a licensed pharmacy.