



Human Services Committee

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LRB096 04753 RPM 25264 a

1 AMENDMENT TO SENATE BILL 212

2 AMENDMENT NO. _____. Amend Senate Bill 212 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Medical Practice Act of 1987 is amended by
5 adding Section 64 as follows:

6 (225 ILCS 60/64 new)

7 Sec. 64. Sexually Transmissible Disease Control Act. No
8 licensee under this Act may be disciplined for providing
9 expedited partner therapy in accordance with the provisions of
10 the Illinois Sexually Transmissible Disease Control Act.

11 Section 10. The Nurse Practice Act is amended by adding
12 Section 70-170 as follows:

13 (225 ILCS 65/70-170 new)

14 Sec. 70-170. Sexually Transmissible Disease Control Act.

1 No licensee under this Act may be disciplined for providing
2 expedited partner therapy in accordance with the provisions of
3 the Illinois Sexually Transmissible Disease Control Act.

4 Section 15. The Physician Assistant Practice Act of 1987 is
5 amended by adding Section 25 as follows:

6 (225 ILCS 95/25 new)

7 Sec. 25. Sexually Transmissible Disease Control Act. No
8 licensee under this Act may be disciplined for providing
9 expedited partner therapy in accordance with the provisions of
10 the Illinois Sexually Transmissible Disease Control Act.

11 Section 20. The Illinois Sexually Transmissible Disease
12 Control Act is amended by changing Sections 3 and 6 as follows:

13 (410 ILCS 325/3) (from Ch. 111 1/2, par. 7403)

14 Sec. 3. Definitions. As used in this Act, unless the
15 context clearly requires otherwise:

16 (1) "Department" means the Department of Public Health.

17 (2) "Local health authority" means the full-time official
18 health department of board of health, as recognized by the
19 Department, having jurisdiction over a particular area.

20 (3) "Sexually transmissible disease" means a bacterial,
21 viral, fungal or parasitic disease, determined by rule of the
22 Department to be sexually transmissible, to be a threat to the

1 public health and welfare, and to be a disease for which a
2 legitimate public interest will be served by providing for
3 regulation and treatment. In considering which diseases are to
4 be designated sexually transmissible diseases, the Department
5 shall consider such diseases as chancroid, gonorrhea,
6 granuloma inguinale, lymphogranuloma venereum, genital herpes
7 simplex, chlamydia, nongonococcal urethritis (NGU), pelvic
8 inflammatory disease (PID)/Acute Salpingitis, syphilis,
9 Acquired Immunodeficiency Syndrome (AIDS), and Human
10 Immunodeficiency Virus (HIV) for designation, and shall
11 consider the recommendations and classifications of the
12 Centers for Disease Control and other nationally recognized
13 medical authorities. Not all diseases that are sexually
14 transmissible need be designated for purposes of this Act.

15 (4) "Health care professional" means a physician licensed
16 to practice medicine in all its branches, a physician assistant
17 who has been delegated the provision of sexually transmissible
18 disease therapy services or expedited partner therapy services
19 by his or her supervising physician, or an advanced practice
20 nurse who has a written collaborative agreement with a
21 collaborating physician that authorizes the provision of
22 sexually transmissible disease therapy services or expedited
23 partner therapy services, or an advanced practice nurse who
24 practices in a hospital or ambulatory surgical treatment center
25 and possesses appropriate clinical privileges in accordance
26 with the Nurse Practice Act.

1 (5) "Expedited partner therapy" means to prescribe,
2 dispense, furnish, or otherwise provide prescription
3 antibiotic drugs to the partner or partners of persons
4 clinically diagnosed as infected with a sexually transmissible
5 disease, without physical examination of the partner or
6 partners.

7 (Source: P.A. 85-1209.)

8 (410 ILCS 325/6) (from Ch. 111 1/2, par. 7406)

9 Sec. 6. Physical examination and treatment.

10 (a) Subject to the provisions of subsection (c) of this
11 Section, the Department and its authorized representatives may
12 examine or cause to be examined persons reasonably believed to
13 be infected with or to have been exposed to a sexually
14 transmissible disease.

15 (b) Subject to the provisions of subsection (c) of this
16 Section, persons with a sexually transmissible disease shall
17 report for complete treatment to a physician licensed under the
18 provisions of the Medical Practice Act of 1987, or shall submit
19 to treatment at a facility provided by a local health authority
20 or other public facility, as the Department shall require by
21 rule or regulation until the disease is noncommunicable or the
22 Department determines that the person does not present a real
23 and present danger to the public health. This subsection (b)
24 shall not be construed to require the Department or local
25 health authorities to pay for or provide such treatment.

1 (c) No person shall be apprehended, examined or treated for
2 a sexually transmissible disease against his will, under the
3 provisions of this Act, except upon the presentation of a
4 warrant duly authorized by a court of competent jurisdiction.
5 In requesting the issuance of such a warrant the Department
6 shall show by a preponderance of evidence that the person is
7 infectious and that a real and present danger to the public
8 health and welfare exists unless such warrant is issued and
9 shall show that all other reasonable means of obtaining
10 compliance have been exhausted and that no other less
11 restrictive alternative is available. The court shall require
12 any proceedings authorized by this subsection (c) to be
13 conducted in camera. A record shall be made of such proceedings
14 but shall be sealed, impounded and preserved in the records of
15 the court, to be made available to the reviewing court in the
16 event of an appeal.

17 (d) Any person who knowingly or maliciously disseminates
18 any false information or report concerning the existence of any
19 sexually transmissible disease under this Section is guilty of
20 a Class A misdemeanor.

21 (e) Taking into account the recommendations of the U.S.
22 Centers for Disease Control and Prevention and other nationally
23 recognized medical authorities, the Department shall provide
24 information and technical assistance as appropriate to health
25 care professionals who provide expedited partner therapy
26 services for persons with sexually transmissible diseases.

1 (1) Notwithstanding any other provision of law, a
2 health care professional who makes a clinical diagnosis of
3 chlamydia or gonorrhea may prescribe, dispense, furnish,
4 or otherwise provide prescription antibiotic drugs to the
5 infected person's sexual partner or partners for the
6 treatment of the sexually transmissible disease without
7 physical examination of the partner or partners, if in the
8 judgment of the health care professional the partner is
9 unlikely or unable to present for comprehensive
10 healthcare, including evaluation, testing, and treatment
11 for sexually transmissible diseases. Expedited partner
12 therapy shall be limited to partners who may have been
13 exposed to a sexually transmissible disease within the
14 previous 60 days, if the patient is able to contact the
15 partner.

16 (2) Health care professionals who provide expedited
17 partner therapy shall comply with Sections 4 and 5 of the
18 Illinois Sexually Transmissible Disease Control Act.

19 (3) Health care professionals who provide expedited
20 partner therapy shall provide counseling for the patient
21 and written materials provided by the Department to be
22 given by the patient to the partner or partners that
23 include at a minimum the following:

24 (A) a warning that a woman who is pregnant or might
25 be pregnant must not take certain antibiotics and must
26 immediately contact a health care professional for an

1 examination, and a recommendation for such an
2 examination;

3 (B) information about the antibiotic and dosage
4 provided or prescribed; clear and explicit allergy and
5 side effect warnings, including a warning that a
6 partner who has a history of allergy to the antibiotic
7 or the pharmaceutical class of antibiotic must not take
8 the antibiotic and must be immediately examined by a
9 health care professional, and a recommendation for
10 such an examination;

11 (C) information about the treatment and prevention
12 of sexually transmissible diseases;

13 (D) the requirement of abstinence until a period of
14 time after treatment to prevent infecting others;

15 (E) notification of the importance of the partner
16 or partners of the patient to receive examination and
17 testing for HIV and other sexually transmissible
18 diseases, and available resources;

19 (F) notification of the risk to self, others, and
20 the public health if the sexually transmissible
21 disease is not completely and successfully treated;

22 (G) the responsibility of the partner or partners
23 to inform his or her sex partner or partners of the
24 risk of sexually transmissible disease and the
25 importance of prompt examination and treatment; and

26 (H) other information as deemed necessary by the

1 Department.

2 (4) The Department shall develop and disseminate in
3 electronic and other formats the following written
4 materials:

5 (A) informational materials for partners, as
6 required in item (3) of this subsection (e);

7 (B) informational materials for persons who are
8 repeatedly diagnosed with sexually transmissible
9 diseases; and

10 (C) guidance for health care professionals on the
11 safe and effective provision of expedited partner
12 therapy.

13 The Department may offer educational programs about
14 expedited partner therapy for health care professionals
15 and pharmacists licensed under the Pharmacy Practice Act.

16 (5) A health care professional prescribing,
17 dispensing, furnishing, or otherwise providing in good
18 faith without fee or compensation prescription antibiotics
19 to partners under this subsection (e) and providing
20 counseling and written materials as required by item (3) of
21 this subsection (e) shall not be subject to civil or
22 professional liability, except for willful and wanton
23 misconduct. A health care professional shall not be subject
24 to civil or professional liability for choosing not to
25 provide expedited partner therapy.

26 (6) A pharmacist or pharmacy shall not be subject to

1 civil or professional liability for choosing not to fill a
2 prescription that would cause the pharmacist or pharmacy to
3 violate any provision of the Pharmacy Practice Act,
4 including the definition of "prescription" set forth in
5 subsection (e) of Section 3 of the Pharmacy Practice Act or
6 the definition of "drug regimen review" set forth in
7 subsection (y) of Section 3 of the Pharmacy Practice Act.

8 (Source: P.A. 90-14, eff. 7-1-97.)".