

HOUSE BILL 769

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71r2302
CF SB 349

By: **Delegates Anderson, Carter, Conaway, Glenn, Haynes, Kirk, Krysiak, McHale, Oaks, Robinson, Stukes, and Tarrant**

Introduced and read first time: February 9, 2007

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House 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

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 Section 18-214.1
2 Annotated Code of Maryland
3 (2005 Replacement Volume and 2006 Supplement)

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

6 **Article - Health - General**

7 **18-214.1.**

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

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

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

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

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

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

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

29 (2) A CERTIFIED NURSE PRACTITIONER IN ACCORDANCE WITH
30 § 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.