



Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 124

131st General Assembly

(As Reported by S. Health and Human Services)

Reps. T. Johnson and Huffman, Grossman, Blessing, Gonzales, Antonio, Barnes, Bishoff, Brown, Lepore-Hagan, Sears, Boyd, Clyde, Craig, Driehaus, Fedor, Gerberry, Green, Hackett, Howse, G. Johnson, Kuhns, M. O'Brien, S. O'Brien, Patterson, Phillips, Ramos, Reece, Rogers, Sheehy, Stinziano, Strahorn, Sweeney, Sykes

Sens. Gardner, Lehner, Brown

BILL SUMMARY

- Authorizes a physician, advanced practice registered nurse, or physician assistant to prescribe or personally furnish a drug for a sexual partner of a patient diagnosed with chlamydia, gonorrhea, or trichomoniasis, without examining the sexual partner.
- Specifies that a physician, advanced practice registered nurse, or physician assistant may prescribe or personally furnish a drug for not more than two sexual partners of the patient.
- Authorizes a pharmacist to dispense a drug pursuant to a prescription issued in accordance with the bill.
- Grants immunity from civil liability, criminal prosecution, or professional discipline to a physician, advanced practice registered nurse, physician assistant, or pharmacist acting in good faith and in accordance with the bill.

CONTENT AND OPERATION

Expedited partner therapy

The bill establishes a limited exception to the requirement that a licensed health professional who is authorized to prescribe drugs must personally examine the

intended recipient of a prescription drug.¹ The bill authorizes a physician,² or an advanced practice registered nurse or physician assistant with prescriptive authority, to issue a prescription for, or personally furnish a complete or partial supply of, a drug to treat chlamydia, gonorrhea, or trichomoniasis, without having examined the intended recipient of the drug, if the following conditions are met:³

(1) The intended recipient is a sexual partner of the prescriber's patient;

(2) The patient has been diagnosed with chlamydia, gonorrhea, or trichomoniasis;

(3) The patient reports to the prescriber that the sexual partner is unable or unlikely to be evaluated or treated by a health professional.

Prescription contents

Under the bill, a prescription must include the sexual partner's name and address, if known. However, if the prescriber is unable to obtain the partner's name and address, the prescription must instead include the patient's name and address, along with the words "expedited partner therapy" or the letters "EPT."⁴ (Existing law requires that any prescription indicate the patient's full name and residential address.⁵) Associated with the provision that authorizes the patient's name and address to be included instead of the partner's name and address, the bill specifies that the definition of "prescription" under the laws governing the practice of pharmacy includes a written, electronic, or oral order for a drug to treat chlamydia, gonorrhea, or trichomoniasis issued to and in the name of the patient who is not the intended user of the drug but is the sexual partner of the intended user.⁶

¹ See, e.g., Ohio Administrative Code (O.A.C.) 4723-9-09, 4730-2-07, and 4731-11-09.

² Under the bill, a physician does not include a podiatrist. R.C. 4731.93(A).

³ R.C. 4723.4810, 4730.432, and 4731.93.

⁴ R.C. 4723.4810(A)(2), 4730.432(A)(2), and 4731.93(B)(2).

⁵ O.A.C. 4729-5-30.

⁶ R.C. 4729.01(H)(3).



Limit on the number of treated partners

The bill limits the number of sexual partners who a prescriber may treat without examination. It provides that a prescriber may prescribe or personally furnish a drug for not more than a total of two sexual partners of the patient.⁷

Additional duties of prescribers

For each drug prescribed or personally furnished under the bill, the prescriber must do all of the following:⁸

(1) Provide the patient with information concerning the drug for the purpose of sharing the information with the sexual partner, including directions for use of the drug and any side effects, adverse reactions, or known contraindications associated with the drug;

(2) Recommend to the patient that the sexual partner seek treatment from a health professional;

(3) Document all of the following in the patient's record:

(a) The name of the drug prescribed or furnished and its dosage;

(b) That information concerning the drug was provided to the patient for the purpose of sharing the information with the sexual partner;

(c) If known, any adverse reactions the sexual partner experiences from treatment with the drug.

Contacting the sexual partner

The bill authorizes a prescriber who prescribes or personally furnishes a drug in accordance with its provisions to contact the sexual partner for whom the drug is intended.⁹ If the prescriber contacts the partner, the prescriber must do all of the following:¹⁰

(1) Inform the sexual partner that he or she may have been exposed to chlamydia, gonorrhea, or trichomoniasis;

⁷ R.C. 4723.4810(A)(3), 4730.432(A)(3), and 4731.93(B)(3).

⁸ R.C. 4723.4810(B), 4730.432(B), and 4731.93(C).

⁹ R.C. 4723.4810(C), 4730.432(C), and 4731.93(D).

¹⁰ R.C. 4723.4810(C)(1), 4730.432(C)(1), and 4731.93(D)(1).



(2) Encourage the sexual partner to seek treatment from a health professional;

(3) Explain the treatment options available to the partner, including treatment with a prescription drug, directions for use of the drug, and any side effects, adverse reactions, or known contraindications associated with the drug;

(4) Document in the patient's record that the prescriber contacted the sexual partner.

If the prescriber does not contact the partner, the prescriber must document that fact in the patient's record.¹¹

Pharmacists authorized to fill EPT prescriptions

With respect to a prescription for a drug issued in accordance with the bill's procedures, the bill authorizes a pharmacist to dispense the drug and, if necessary, label it without the sexual partner's name if the prescription contains the words "expedited partner therapy" or the letters "EPT."¹² Current State Board of Pharmacy rules require that a pharmacist dispense a drug only pursuant to a prescription issued in the usual course of bona fide treatment and label the drug with the patient's full name.¹³

Under the bill, for each drug dispensed, the pharmacist must provide information concerning the following: directions for use of the drug as well as any side effects, adverse reactions, or known contraindications associated with the drug.¹⁴ The bill specifies that it does not affect the authority of a pharmacist to distribute information concerning a drug as required by federal law.¹⁵

Immunity

The bill grants immunity from civil liability, criminal prosecution, or professional discipline to a prescriber or pharmacist acting in good faith and in accordance with the bill.¹⁶

¹¹ R.C. 4723.4810(C)(2), 4730.432(C)(2), and 4731.93(D)(2).

¹² R.C. 4729.282(A).

¹³ O.A.C. 4729-5-16 and 4729-5-30.

¹⁴ R.C. 4729.282(B).

¹⁵ R.C. 4729.282(D).

¹⁶ R.C. 4723.4810, 4729.282, 4730.432, and 4731.93.

Chlamydia, gonorrhea, and trichomoniasis – background

Chlamydia

Chlamydia is a common sexually transmitted infection that can infect both men and women and can lead to serious health problems. It can cause permanent damage to a woman's reproductive system, making it difficult or impossible for the woman to become pregnant. Untreated chlamydia may also increase a person's chances of getting or spreading HIV, the virus that causes AIDS. Most people who have chlamydia have no symptoms.¹⁷ Chlamydia is usually treated with antibiotic drugs. Treatment for sexual partners is recommended in order to prevent the infection from being passed back and forth.¹⁸

Gonorrhea

Gonorrhea is a sexually transmitted infection that can infect both men and women and can lead to serious health problems. It can cause infections in the genitals, rectum, and throat. If untreated, it may lead to sterility and may increase a person's chances of getting or spreading HIV. Gonorrhea is very common, especially among young people ages 15 to 24 years.¹⁹ It is usually treated with antibiotic drugs; however, treatment is becoming more difficult as drug-resistant strains of gonorrhea are increasing.²⁰

Trichomoniasis

Trichomoniasis is a very common sexually transmitted infection and is considered the most curable of sexually transmitted infections. It is estimated that 3.7 million people in the United States have the infection, but only 30% develop any symptoms. Without treatment, the infection can last for months or even years. Trichomoniasis can increase the risk of getting or spreading other sexually transmitted

¹⁷ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, Division of STD Prevention, *Chlamydia – CDC Fact Sheet* (last visited September 30, 2015), available at <<http://www.cdc.gov/std/chlamydia/stdfact-chlamydia.htm>>.

¹⁸ U.S. National Library of Medicine, National Institutes of Health, *Chlamydia* (last visited September 30, 2015), available at <<http://www.nlm.nih.gov/medlineplus/ency/article/001345.htm>>.

¹⁹ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, Division of STD Prevention, *Gonorrhea – CDC Fact Sheet* (last visited September 30, 2015), available at <<http://www.cdc.gov/std/gonorrhea/stdfact-gonorrhea.htm>>.

²⁰ U.S. National Library of Medicine, National Institutes of Health, *Gonorrhea* (last visited September 30, 2015), available at <<http://www.nlm.nih.gov/medlineplus/gonorrhea.html>>.



infections, including HIV. Trichomoniasis can be cured with a single dose of prescription antibiotics; however, a person who has been treated can get it again. It is recommended that a person's sexual partners also be treated.²¹

HISTORY

ACTION	DATE
Introduced	03-18-15
Reported, H. Health & Aging	05-06-15
Passed House (90-6)	05-20-15
Reported, S. Health & Human Services	09-30-15

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²¹ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, *Trichomoniasis – CDC Fact Sheet* (last visited September 30, 2015), available at <http://www.cdc.gov/std/trichomonas/stdfact-trichomoniasis.htm>.

