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Sens. Hansen, Henry, McDowell; Reps. Heffernan, Viola

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 157

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO EXPEDITED PARTNER THERAPY.
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 701, Title 16 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 701 Definitions.

4 (a) "Director" ~~shall mean~~ means the Director of the Division of Public Health or the Director's authorized deputies
5 within their respective jurisdictions.

6 (~~) "Expedited partner therapy" means the clinical practice of treating the sex partners of patients diagnosed with a~~
7 sexually transmitted disease without clinical assessment of the partners.

8 (b) "Health-care professional" ~~shall mean~~ means any physician, nurse, laboratory or blood bank technologist or
9 technician, and any others whose professions involve the diagnosis, ~~care~~ care, or treatment of ~~persons~~ individuals or the
10 testing of bodily specimens for the purpose of finding evidence of disease.

11 (~~) "Health-care practitioner" means a physician or an individual licensed and authorized to prescribe under Title~~
12 24.

13 (c) "Health facility" ~~shall mean~~ means a hospital, nursing home, clinic, blood bank, blood center, sperm bank,
14 ~~laboratory~~ laboratory, or other health care institution whether public or private.

15 (d) "Invasive medical procedures" ~~shall mean~~ means surgical entry into tissues, ~~eavities~~ cavities, or organs.

16 (e) "Sexually transmitted diseases" or "STD" (formerly referred to as "venereal diseases"), ~~abbreviated STD, shall~~
17 be means diseases designated by the Department of Health and Social Services as reportable through rules and regulations
18 published by the Department of Health and Social Services ~~pursuant to § 706~~ under § 702 of this title upon finding that
19 such ~~diseases:~~ disease meets both of the following:

20 (1) Cause significant morbidity and ~~mortality;~~ and mortality.

21 (2) Can be screened, ~~diagnosed~~ diagnosed, and treated in a public health control program, or if not, are a
22 major public health concern such that surveillance of disease occurrence is in the public interest.

23 (f) "Suspect" means ~~Any person~~ an individual falling into 1 or more of the following categories is designated as a
24 "suspect:" categories:

25 (1) ~~A person~~ An individual having positive laboratory or clinical findings of an STD; STD.

26 (2) ~~A person~~ An individual in whom epidemiologic evidence indicates an STD may exist; ~~and exist~~.

27 (3) ~~A person~~ An individual identified as a sexual contact of an STD case.

28 Section 2. Amend Chapter 7, Title 16 of the Delaware Code by making deletions as shown by strike through and
29 insertions as shown by underline as follows:

30 § 703A. Expedited partner therapy.

31 (a) A health care practitioner who makes a clinical diagnosis of a sexually transmitted disease may provide
32 expedited partner therapy for the treatment of the sexually transmitted disease in accordance with established medical
33 practices and profession guidances published by professional medical organizations, including the Centers for Disease
34 Control, if, in the judgment of the health care practitioner, the sexual partner is unlikely or unable to present for
35 comprehensive health care, including evaluation, testing, and treatment for sexually transmitted diseases. Expedited partner
36 therapy is limited to a sexual partner who may have been exposed to a sexually transmitted disease within the previous 60
37 days and who is able to be contacted by the patient.

38 (b) A health care practitioner who provides expedited partner therapy shall provide counseling for the patient,
39 including advice that all symptomatic individuals, and in particular women with symptoms suggestive of pelvic
40 inflammatory disease, are encouraged to seek medical attention. The health care practitioner shall also provide written
41 materials, provided by the Department of Health and Social Services, to be given by the patient to the sexual partner. The
42 written materials must include the following:

43 (1) A warning that a woman who is pregnant or might be pregnant should immediately contact a health
44 care professional for an examination.

45 (2) Information about the antibiotic and dosage provided or prescribed that contains clear and explicit
46 allergy and side effect warnings, including a warning that a sexual partner who has a history of allergy to the
47 antibiotic or the pharmaceutical class of antibiotic should not take the antibiotic and should be immediately
48 examined by a health care professional.

49 (3) Information about the treatment and prevention of sexually transmitted diseases.

50 (4) The requirement of abstinence until a period of time after treatment to prevent infecting others.

51 (5) Notification of the importance of the sexual partner's receiving examination and testing for the human
52 immunodeficiency virus and other sexually transmitted diseases and information regarding available resources.

53 (6) Notification of the risk to the sexual partner, others, and the public health if the sexually transmitted
54 disease is not completely and successfully treated.

55 (7) The responsibility of the sexual partner to inform that individual's sexual partners of the risk of
56 sexually transmitted disease and the importance of prompt examination and treatment.

57 (8) Advice to seek medical attention if symptoms of an allergic reaction arise.

58 (c) A health care practitioner who provides expedited partner therapy in good faith, without fee or compensation,
59 and who provides counseling and written materials as required under this section, is not subject to civil or professional
60 liability in connection with the provision of the expedited partner therapy, counseling, and materials, unless it is established
61 that the health care practitioner acted with unreasonable care, willfully, wantonly, or by gross negligence.

62 (d) A health care practitioner is not subject to civil or professional liability for choosing not to provide expedited
63 partner therapy.

64 (e) A pharmacist or pharmacy is not subject to civil or professional liability for filling a prescription ordered under
65 this section unless it is established that the pharmacist or pharmacy acted with unreasonable care, willfully, wantonly, or by
66 gross negligence.

67 (f) The label of any drug prescribed, or records created under this section are not required to contain the name of
68 the patient's sexual partner.

69 (g) All information under this section is confidential and privileged except for reports required under this chapter
70 and under the provisions of § 710 and § 711 of this title.

71 Section 3. Amend § 707, Title 16 of the Delaware Code by making deletions as shown by strike through and
72 insertions as shown by underline as follows:

73 § 707. Rules and regulations of Department.

74 (c) The Department of Health and Social Services shall create the written materials required under § 703A of this
75 title.

SYNOPSIS

Expedited partner therapy (EPT) is the clinical practice of treating the sex partners of patients diagnosed with a sexually transmitted disease without clinical assessment of the partners. In August 2006, the Centers for Disease Control and Prevention (CDC) recommended EPT as an evidence-based option to manage chlamydial infection and gonorrhea by treating index patient's sex partners to prevent reinfection and curtail further transmission. As of July 2017, EPT is permissible in 41 states.

This Act makes EPT clearly permissible in Delaware and requires that health care professionals provide information developed by the Department of Health & Social Services when providing EPT. This Act provides immunity to health care practitioners and pharmacists acting in compliance with the statute and also provides immunity to health care practitioners who do not provide EPT and pharmacists who do not fill a prescription written under this statute if doing so would violate any of the laws that govern pharmacies and pharmacists.

This Act also makes technical corrections to the definitions section to correct a reference and to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Townsend