



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0212

Introduced 2/3/2009, by

SYNOPSIS AS INTRODUCED:

410 ILCS 325/3
410 ILCS 325/6

from Ch. 111 1/2, par. 7403
from Ch. 111 1/2, par. 7406

Amends the Illinois Sexually Transmissible Disease Control Act. Adds definitions for "health care professional" and "expedited partner therapy". Provides that the Department of Public Health shall provide information and technical assistance as appropriate to health care professionals who provide expedited partner therapy services for persons with sexually transmissible diseases. Provides that a health care professional who makes a clinical diagnosis of chlamydia or gonorrhea may prescribe, dispense, furnish, or otherwise provide prescription antibiotic drugs to the infected person's sexual partner or partners without physical examination of the partner or partners, if in the judgment of the health care professional, the partner is unlikely or unable to present for comprehensive health care. Provides that the health care professional shall provide counseling for the patient and written materials to be given by the patient to the partner or partners. Provides that a health care professional providing expedited partner therapy in good faith without fee or compensation and providing counseling and written materials shall not be subject to civil or professional liability, except for willful and wanton misconduct. Makes other changes.

LRB096 04753 RPM 14817 b

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Sexually Transmissible Disease
5 Control Act is amended by changing Sections 3 and 6 as follows:

6 (410 ILCS 325/3) (from Ch. 111 1/2, par. 7403)

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

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

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

13 (3) "Sexually transmissible disease" means a bacterial,
14 viral, fungal or parasitic disease, determined by rule of the
15 Department to be sexually transmissible, to be a threat to the
16 public health and welfare, and to be a disease for which a
17 legitimate public interest will be served by providing for
18 regulation and treatment. In considering which diseases are to
19 be designated sexually transmissible diseases, the Department
20 shall consider such diseases as chancroid, gonorrhea,
21 granuloma inguinale, lymphogranuloma venereum, genital herpes
22 simplex, chlamydia, nongonococcal urethritis (NGU), pelvic
23 inflammatory disease (PID)/Acute Salpingitis, syphilis,

1 Acquired Immunodeficiency Syndrome (AIDS), and Human
2 Immunodeficiency Virus (HIV) for designation, and shall
3 consider the recommendations and classifications of the
4 Centers for Disease Control and other nationally recognized
5 medical authorities. Not all diseases that are sexually
6 transmissible need be designated for purposes of this Act.

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

19 (5) "Expedited partner therapy" means to prescribe,
20 dispense, furnish, or otherwise provide prescription
21 antibiotic drugs to the partner or partners of persons
22 clinically diagnosed as infected with a sexually transmissible
23 disease, without physical examination of the partner or
24 partners.

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

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

2 Sec. 6. Physical examination and treatment.

3 (a) Subject to the provisions of subsection (c) of this
4 Section, the Department and its authorized representatives may
5 examine or cause to be examined persons reasonably believed to
6 be infected with or to have been exposed to a sexually
7 transmissible disease.

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

19 (c) No person shall be apprehended, examined or treated for
20 a sexually transmissible disease against his will, under the
21 provisions of this Act, except upon the presentation of a
22 warrant duly authorized by a court of competent jurisdiction.
23 In requesting the issuance of such a warrant the Department
24 shall show by a preponderance of evidence that the person is
25 infectious and that a real and present danger to the public
26 health and welfare exists unless such warrant is issued and

1 shall show that all other reasonable means of obtaining
2 compliance have been exhausted and that no other less
3 restrictive alternative is available. The court shall require
4 any proceedings authorized by this subsection (c) to be
5 conducted in camera. A record shall be made of such proceedings
6 but shall be sealed, impounded and preserved in the records of
7 the court, to be made available to the reviewing court in the
8 event of an appeal.

9 (d) Any person who knowingly or maliciously disseminates
10 any false information or report concerning the existence of any
11 sexually transmissible disease under this Section is guilty of
12 a Class A misdemeanor.

13 (e) Taking into account the recommendations of the U.S.
14 Centers for Disease Control and Prevention and other nationally
15 recognized medical authorities, the Department shall provide
16 information and technical assistance as appropriate to health
17 care professionals who provide expedited partner therapy
18 services for persons with sexually transmissible diseases.

19 (1) Notwithstanding any other provision of law, a
20 health care professional who makes a clinical diagnosis of
21 chlamydia or gonorrhea may prescribe, dispense, furnish,
22 or otherwise provide prescription antibiotic drugs to the
23 infected person's sexual partner or partners for the
24 treatment of the sexually transmissible disease without
25 physical examination of the partner or partners, if in the
26 judgment of the health care professional the partner is

1 unlikely or unable to present for comprehensive
2 healthcare, including evaluation, testing, and treatment
3 for sexually transmissible diseases. Expedited partner
4 therapy shall be limited to partners who may have been
5 exposed to a sexually transmissible disease within the
6 previous 60 days, if the patient is able to contact the
7 partner.

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

11 (3) Health care professionals who provide expedited
12 partner therapy shall provide counseling for the patient
13 and written materials provided by the Department to be
14 given by the patient to the partner or partners that
15 include at a minimum the following:

16 (A) a warning that a woman who is pregnant or might
17 be pregnant must not take certain antibiotics and must
18 immediately contact a health care professional for an
19 examination, and a recommendation for such an
20 examination;

21 (B) information about the antibiotic and dosage
22 provided or prescribed; clear and explicit allergy and
23 side effect warnings, including a warning that a
24 partner who has a history of allergy to the antibiotic
25 or the pharmaceutical class of antibiotic must not take
26 the antibiotic and must be immediately examined by a

1 health care professional, and a recommendation for
2 such an examination;

3 (C) information about the treatment and prevention
4 of sexually transmissible diseases;

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

7 (E) notification of the importance of the partner
8 or partners of the patient to receive examination and
9 testing for HIV and other sexually transmissible
10 diseases, and available resources;

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

14 (G) the responsibility of the partner or partners
15 to inform his or her sex partner or partners of the
16 risk of sexually transmissible disease and the
17 importance of prompt examination and treatment; and

18 (H) other information as deemed necessary by the
19 Department.

20 (4) The Department shall develop and disseminate in
21 electronic and other formats the following written
22 materials:

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

25 (B) informational materials for persons who are
26 repeatedly diagnosed with sexually transmissible

1 diseases; and

2 (C) guidance for health care professionals on the
3 safe and effective provision of expedited partner
4 therapy.

5 The Department may offer educational programs about
6 expedited partner therapy for health care professionals
7 and pharmacists licensed under the Pharmacy Practice Act.

8 (5) A health care professional prescribing,
9 dispensing, furnishing, or otherwise providing in good
10 faith without fee or compensation prescription antibiotics
11 to partners under this subsection (e) and providing
12 counseling and written materials as required by item (3) of
13 this subsection (e) shall not be subject to civil or
14 professional liability, except for willful and wanton
15 misconduct. A health care professional shall not be subject
16 to civil or professional liability for choosing not to
17 provide expedited partner therapy.

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