

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

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

1 (225 ILCS 95/25 new)

2 Sec. 25. Sexually Transmissible Disease Control Act. No
3 licensee under this Act may be disciplined for providing
4 expedited partner therapy in accordance with the provisions of
5 the Illinois Sexually Transmissible Disease Control Act.

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

8 (410 ILCS 325/3) (from Ch. 111 1/2, par. 7403)

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

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

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

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

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

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

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

26 (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

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

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

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

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

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

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

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

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

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

1 the antibiotic and must be immediately examined by a
2 health care professional, and a recommendation for
3 such an examination;

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

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

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

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

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

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

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

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

26 (B) informational materials for persons who are

1 repeatedly diagnosed with sexually transmissible
2 diseases; and

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

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

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

19 (6) A pharmacist or pharmacy shall not be subject to
20 civil or professional liability for choosing not to fill a
21 prescription that would cause the pharmacist or pharmacy to
22 violate any provision of the Pharmacy Practice Act,
23 including the definition of "prescription" set forth in
24 subsection (e) of Section 3 of the Pharmacy Practice Act or
25 the definition of "drug regimen review" set forth in
26 subsection (y) of Section 3 of the Pharmacy Practice Act.

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