

# ASSEMBLY, No. 4493

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED SEPTEMBER 24, 2018

**Sponsored by:**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**SYNOPSIS**

Authorizes expedited partner therapy, under which sexual partners of patients diagnosed with sexually transmitted disease are treated without prior clinical examination.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/17/2019)**

1 AN ACT concerning treatment of sexually transmitted diseases and  
2 supplementing Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. a. Notwithstanding any other provision of law to the  
8 contrary, a health care professional who diagnoses a patient as  
9 having a sexually transmitted disease may provide expedited partner  
10 therapy to a sexual partner of the patient pursuant to this act.

11 b. Expedited partner therapy shall consist of the health care  
12 professional:

13 (1) prescribing or dispensing medication for the treatment of the  
14 sexually transmitted disease. The medication shall be prescribed or  
15 dispensed in the sexual partner's name or, if not known, in the name  
16 of "Expedited Partner Therapy," and provided to the patient to give  
17 to the sexual partner;

18 (2) providing the patient with printed informational materials,  
19 which have been distributed by the department pursuant to  
20 subsection a. of section 2 of this act, for the patient to give to the  
21 sexual partner; and

22 (3) requesting that the patient advise the sexual partner of the  
23 importance of seeking clinical treatment for the sexually transmitted  
24 disease from a health care professional.

25 The health care professional shall not be required to perform a  
26 clinical examination of the sexual partner as a condition of  
27 providing expedited partner therapy.

28 c. A health care professional may provide expedited partner  
29 therapy to any sexual partner of the patient, provided that:

30 (1) The patient indicates with reasonable certainty that the  
31 patient has had sexual contact with the sexual partner within the  
32 past 60 days under circumstances in which there was a risk of  
33 transmission of a sexually transmitted disease;

34 (2) The patient indicates with reasonable certainty that the  
35 sexual partner is unable or unwilling to seek clinical services in a  
36 timely manner; and

37 (3) The patient indicates with reasonable certainty that the  
38 patient will be able to contact the sexual partner for the purposes of  
39 providing expedited partner therapy.

40 d. As used in this act:

41 "Commissioner" means the Commissioner of Health.

42 "Department" means the Department of Health.

43 "Health care professional" means a physician, advanced practice  
44 nurse, or physician assistant who is authorized to issue prescriptions  
45 for the medications used in expedited partner therapy and for whom  
46 the treatment of sexually transmitted disease is within the  
47 physician's, advanced practice nurse's, or physician assistant's  
48 scope of training and practice.

1       2. a. The department shall develop and print written  
2 informational materials related to expedited partner therapy, in  
3 accordance with the provisions of this section, and shall regularly  
4 distribute an adequate supply of printed copies of the informational  
5 materials to health care professionals in the State. A health care  
6 professional who elects to provide expedited partner therapy shall  
7 hand out copies of the informational materials, which have been  
8 distributed by the department pursuant to this subsection, to each  
9 patient under the professional's care who is diagnosed with a  
10 sexually transmitted disease, for subsequent delivery by the patient  
11 to all of the patient's sexual partners who are eligible for expedited  
12 partner therapy.

13       b. The written informational materials that are developed and  
14 distributed by the department pursuant to subsection a. of this  
15 section shall be made available in English, Spanish, and any other  
16 language that the commissioner determines is the first language of a  
17 significant number of people who use or are likely to use expedited  
18 partner therapy, and shall include the following:

19       (1) Information about any medication prescribed or dispensed,  
20 including clear and explicit allergy and side effect warnings and a  
21 statement that a person who has a history of allergy to the  
22 medication, or medications in the same pharmaceutical class as the  
23 medication, should not take the medication and should immediately  
24 contact a health care professional for a clinical examination;

25       (2) A warning that a woman who is pregnant or who might be  
26 pregnant should not take certain antibiotics and should immediately  
27 contact a health care professional for a clinical examination;

28       (3) Information about the treatment and prevention of sexually  
29 transmitted diseases, including the necessity of practicing  
30 abstinence for a certain period of time during and after treatment to  
31 prevent the risk of exposing others to infection;

32       (4) Notice concerning the risk to the person, the person's sexual  
33 partners, and others, as well as the risk to the public health, if the  
34 sexually transmitted disease is not completely and successfully  
35 treated;

36       (5) A recommendation that the person contact a health care  
37 professional for a clinical examination that includes testing for  
38 sexually transmitted diseases, including the human  
39 immunodeficiency virus, and information concerning available  
40 testing and clinical resources;

41       (6) Information concerning the person's responsibility to inform  
42 the person's sexual partners of the risk of infection with a sexually  
43 transmitted disease, and the importance of urging those partners to  
44 seek prompt clinical examination and treatment;

45       (7) Advice to all women and symptomatic persons, and, in  
46 particular, women with symptoms suggestive of pelvic  
47 inflammatory disease, to seek medical attention;

1 (8) Notice that the person may contact a health care  
2 professional, the local board of health, or the department with  
3 questions concerning the information contained in the materials;

4 (9) Notice that the person will be liable for the cost of the  
5 medication prescribed, unless the person has prescription benefits  
6 coverage or the medication was dispensed or otherwise furnished by  
7 a health care professional without charge; and

8 (10) Any other information as may be required by the  
9 department, including any additional information or materials the  
10 department recommends be provided to persons who are repeatedly  
11 diagnosed with a sexually transmitted disease.

12 c. In consideration of the recommendations and guidelines  
13 issued by the federal Centers for Disease Control and Prevention,  
14 the department shall develop and make available to health care  
15 professionals informational materials and guidance concerning the  
16 safe and effective provision of expedited partner therapy. The  
17 department may also offer educational programs about expedited  
18 partner therapy for health care professionals and licensed  
19 pharmacists.

20 d. The commissioner shall, pursuant to the "Administrative  
21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and in  
22 consideration of recommendations and guidelines issued by the  
23 federal Centers for Disease Control and Prevention, adopt rules and  
24 regulations to effectuate the provisions of this act, including, but  
25 not limited to, establishing a list of sexually transmitted diseases  
26 that may be treated through expedited partner therapy.

27  
28 3. a. Except in the case of gross negligence or willful  
29 misconduct, a health care professional who provides expedited  
30 partner therapy pursuant to this act, and a licensed pharmacist who  
31 dispenses a prescription for medication issued for expedited partner  
32 therapy pursuant to this act, shall not be subject to civil or criminal  
33 liability or professional disciplinary action in connection with any  
34 act or omission taken in good faith consistent with the provisions of  
35 this act. A health care professional shall not be subject to civil or  
36 criminal liability or professional disciplinary action for choosing  
37 not to provide expedited partner therapy.

38 b. Nothing in this act shall be construed to require any health  
39 benefits plan or prescription benefits plan to pay for or provide  
40 reimbursement for expedited partner therapy provided pursuant to  
41 this act unless the person to whom expedited partner therapy is  
42 being provided is listed as a beneficiary under the health benefits  
43 plan or prescription benefits plan of the patient initially diagnosed  
44 with the sexually transmitted disease.

45  
46 4. This act shall take effect the first day of the fourth month  
47 next following the date of enactment.

STATEMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49

This bill authorizes a health care professional to provide “expedited partner therapy” (EPT), which is the practice of treating the sexual partner of a patient who has been diagnosed with a sexually transmitted disease (STD), without the need to first conduct a medical examination of the sexual partner. “Health care professional” is defined to mean a physician, advanced practice nurse, or physician assistant who is authorized to prescribe medications and treat sexually transmitted diseases (STDs) as part of their scope of practice.

The bill provides that EPT will consist of a health care professional:

- (1) prescribing or dispensing medication for the treatment of the sexual partner’s STD, with such medication being prescribed or dispensed in the sexual partner’s name, or, if the name is not known, in the name of “Expedited Partner Therapy;” and providing the medication to the patient to give to the sexual partner;
- (2) providing the patient with printed informational materials, which have been distributed by the department pursuant to the bill’s provisions, for the patient to give to the sexual partner; and
- (3) requesting that the patient advise the sexual partner of the importance of seeking clinical treatment for the STD from a health care professional.

The bill authorizes a health care professional to provide EPT to any sexual partner of the patient, provided that the patient indicates with a reasonable certainty that: the patient has had sexual contact with the partner within the past 60 days under circumstances involving the risk of STD transmission; that the sexual partner is unable or unwilling to seek clinical services in a timely manner; and that the patient will be able to contact the sexual partner for the purposes of providing EPT.

The bill requires the DOH to develop and print written informational materials related to EPT, and regularly distribute an adequate supply of printed copies of the informational materials to health care professionals in the State. A health care professional who elects to provide EPT will be required to hand out copies of the informational materials to each patient under the professional’s care who is diagnosed with an STD, for subsequent delivery by the patient to all of the patient’s sexual partners who are eligible for the EPT.

The following information is to be included in the printed materials: information and warnings concerning the medication prescribed or dispensed; recommendations for the person to obtain a clinical examination and information concerning available resources; specific advice and warnings for pregnant women; notice concerning the risk to the person, the person’s sexual partners, and others, as well as the risk to the public health, if the STD is not completely and successfully treated; information concerning the

1 treatment and prevention of STDs, including the importance of  
2 completing the course of treatment, practicing abstinence for a  
3 certain period of time during and after treatment, informing the  
4 person's sexual partners of the risk of STD infection, and urging  
5 such partners to seek clinical treatment; notice advising a person to  
6 contact a health care professional, local board of health, or DOH  
7 with any questions regarding the information in the printed  
8 materials; notice that the person may be required to pay the cost of  
9 any prescribed medication; and any other information required by  
10 the DOH.

11 The bill also requires the DOH, in consideration of the  
12 recommendations and guidelines issued by the federal Centers for  
13 Disease Control and Prevention, to develop, and make available to  
14 health care professionals, informational materials and guidance  
15 concerning the safe and effective provision of EPT. DOH will also  
16 be authorized to offer educational programs about EPT for health  
17 care professionals and licensed pharmacists.

18 The bill provides immunity from civil and criminal liability, and  
19 immunity from professional disciplinary action, to any health care  
20 professional who provides EPT, and to any licensed pharmacist who  
21 dispenses a prescription for EPT medication. Such immunity would  
22 apply to any action or inaction that is taken in good faith, consistent  
23 with the provisions of the bill, but would not apply in the case of  
24 gross negligence or willful misconduct. The bill also provides  
25 immunity from civil and criminal liability, and immunity from  
26 professional disciplinary action, to any health care professional that  
27 elects not to provide EPT.

28 Nothing in the bill will require any health benefits plan or  
29 prescription benefits plan to pay for or provide reimbursement for  
30 EPT, unless the person receiving the therapy is listed as a  
31 beneficiary under the health benefits plan or prescription benefits  
32 plan of the patient who is initially diagnosed with the STD.

33 The Commissioner of Health will be required to adopt rules and  
34 regulations to effectuate the bill's provisions, including a list of  
35 STDs that may be treated through EPT.