

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.5110 Expedited partner therapy.

Sec. 5110.

(1) To protect and promote the public health of individuals in this state, expedited partner therapy is authorized as provided in this section. Expedited partner therapy is authorized to protect individuals in this state from the spread of sexually transmitted infections, which can cause infertility and ectopic pregnancies. The department may promulgate rules under the administrative procedures act of 1969 that it determines necessary to implement and administer this section. In addition to the requirements of section 5111, the department shall include in the list of reportable diseases, infections, and disabilities a separate list of sexually transmitted infections for which expedited partner therapy as authorized in this section is appropriate. In developing the list, the department shall consult with the federal centers for disease control and prevention and health professionals in this state.

(2) In addition to treating his or her patient, a health professional may provide expedited partner therapy if all of the following requirements are met:

(a) The patient has a laboratory-confirmed or suspected clinical diagnosis of a sexually transmitted infection.

(b) The patient indicates that he or she has a partner with whom the patient has engaged in sexual activity within the 60-day period immediately before the diagnosis of a sexually transmitted infection.

(c) The patient indicates that his or her partner is unable or is unlikely to seek clinical services in a timely manner.

(3) A health professional who provides expedited partner therapy as authorized in this section shall do all of the following:

(a) Dispense or prescribe the therapy in the name of the partner, if known, without the physical examination of the partner by the health professional. Notwithstanding any provision of this act or rules to the contrary, if the name of the partner is not known, the health professional shall dispense or prescribe the therapy in the name of "expedited partner therapy".

(b) Convey to the patient that it is important to notify his or her partner of his or her diagnosis and that it is important for the partner to obtain medical care for a complete evaluation, testing for sexually transmitted infections, counseling, and treatment.

(c) Distribute to the patient the information sheet developed under subsection (4).

(4) The department shall develop and distribute to local health departments and, upon request, distribute to health professionals subject to this section an information sheet that includes all of the following information:

(a) A description of expedited partner therapy and its purpose.

(b) A statement that a common therapy for certain sexually transmitted infections is antibiotic therapy and that, if the expedited partner therapy dispensed or prescribed for the reader includes antibiotic therapy, the information sheet contains important warnings and information of which the reader should be aware.

(c) A warning that identifies contraindications for expedited partner therapy.

(d) A warning about the dangers of administering certain antibiotic therapies to a pregnant individual.

(e) Information about antibiotics dispensed or prescribed in antibiotic therapy and dosages of those antibiotics dispensed or prescribed.

(f) A warning about the risk of allergies to and drug interactions with antibiotics described in subdivision (e).

(g) Information about sexually transmitted infections, the treatment of diagnosed sexually transmitted infections, and the prevention of sexually transmitted infections.

(h) A notice that the partner should be tested for sexually transmitted infections.

(i) A notice of the risk to the patient, his or her partner, and others, including the public health, if a sexually transmitted infection is not completely treated.

(j) A notice of the responsibility of the patient to notify his or her sexual partners of the risk of sexually transmitted infections and the importance of examination and treatment for sexually transmitted infections.

(k) A statement advising any individual who has any questions regarding anything in the information sheet to contact his or her health professional or local health department.

(l) A statement that the cost of drugs dispensed pursuant to a prescription issued in the name of expedited partner therapy must be paid by the individual filling the prescription if that individual does not have prescription drug coverage under a health benefit plan or third-party reimbursement arrangement.

(5) This section does not require a health benefit plan or third-party reimbursement arrangement to pay for or provide reimbursement for expedited partner therapy authorized under this section unless the partner who receives the therapy is listed as a member, subscriber, contract holder, or beneficiary under the health benefit plan or third-party reimbursement arrangement.

(6) Except as otherwise provided in this subsection, a health professional who provides expedited partner therapy as authorized in this section is not liable for damages in a civil action or subject to administrative action

under sections 16221 and 16226 for personal injury, death, or other consequences arising from or related in any way to the provision of expedited partner therapy by the health professional. This subsection does not apply if the action of the health professional in providing expedited partner therapy is gross negligence.

(7) As used in this section:

(a) "Expedited partner therapy" is the indirect treatment of a partner of a patient who has been diagnosed as having a sexually transmitted infection through the dispensing or prescribing of antibiotic drug or other treatment that is the standard of care for sexually transmitted infections in accordance with guidelines established by the federal centers for disease control and prevention for the treatment of the partner without the physical examination of the partner by a health professional.

(b) "Health professional" means any of the following:

(i) An individual licensed or otherwise authorized to engage in a health profession under article 15 and whose scope of practice includes the diagnosis and treatment of sexually transmitted infections.

(ii) For the purpose of dispensing therapy under this section, a pharmacist who is licensed or otherwise authorized to engage in the practice of pharmacy under article 15.

(c) "Sexual activity" includes sexual contact and sexual penetration as those terms are defined in section 5129.

(d) "Sexually transmitted infection" means 1 of the following:

(i) Until the department establishes a separate list under subsection (1), a sexually transmitted infection for which the federal centers for disease control and prevention recommends the use of expedited partner therapy.

(ii) On and after the date the department establishes a separate list under subsection (1), a sexually transmitted infection included in that list.

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