

Table of Key Legal Provisions Implicating EPT Among All States (and Select Other Jurisdictions)

No information is currently available about the legal status of expedited partner therapy in American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Republic of Palau, Marshall Islands, Federal States of Micronesia or Virgin Islands. The information presented here is not legal advice, nor is it a comprehensive analysis of all the legal provisions that could implicate the legality of EPT in a given jurisdiction.

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Jurisdiction	I. Statutes/regs on health care providers' authority to prescribe for STDs to a patient's partner(s) w/out prior evaluation	II. Specific judicial decisions concerning EPT (or like practices)	III. Specific administrative opinions by the Attorney General or medical or pharmacy boards concerning EPT (or like practices)	IV. Legislative bills or prospective regulations concerning EPT (or like practices)	V. Laws that incorporate via reference guidelines as acceptable practices (including EPT)	VI. Prescription requirements	VII. Assessment of EPT's legal status with brief comments
Alabama	<p>(-) Generally, providing a prescription to patient without examination is considered misconduct. EPT is not listed among exceptions. Ala. Admin. Code r. 540-X-9-.11.</p> <p>(-) Nurses and physician assistants may not prescribe for non-patients of supervising physician. Ala. Admin. Code rr. 610-X-5-.11, .22.</p>				<p>(+) "The State Committee of Public Health designates that the treatment of STDs shall be those accepted by the State Health Officer and consistent with recognized medical and epidemiologic information." Ala. Code § 420-4-1-.05.</p>	<p>(+) Patient identifying information is not required on prescription labels. Ala. Admin. Code r. 680-X-2-.13.</p> <p>(+) A registered nurse in the employment of the State Health Department or a county health department may, in the provision of health care services, dispense legend drugs as provided in this section under the standing orders or direct supervision of a physician licensed to practice medicine in this state and pursuant to procedures established by the Board of Pharmacy and implemented by a pharmacist licensed to practice pharmacy in this state. The nurse may dispense the legend drugs for the treatment of . . . sexually</p>	<p>~ EPT is potentially allowable.</p> <p>Under <i>general</i> circumstances, a physician must conduct a physical exam prior to prescribing a medication. The administrative opinion provides that under some circumstances, a physician may delegate the authority to dispense drugs to a nurse (and perhaps others as well, such as the patient). When coupled with authority of the State Comm. of</p>

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						transmitted diseases, . . . if approved by the State Board of Pharmacy. [Link to Pharmacy Board] Ala. Code § 34-23-11(b)	Public Health to recommend EPT as consistent with recognized medical and epidemiological evidence, EPT is potentially allowable.
Alaska	(+) 'Unprofessional conduct' includes the following: . . . prescribing, dispensing, or furnishing a prescription medication to a person without first conducting a physical examination of that person, unless the licensee has a patient-physician or patient-physician assistant relationship with the person; this paragraph does not apply to prescriptions written or medications issued . . . for expedited partner therapy for sexually transmitted				(+) Public health department may establish standards for the prevention, control, or amelioration of conditions of public health importance. Alaska Stat. § 18.15.355. (+) Incorporates: APHA CCD Manual 16 th Edition, 1995 (as revised) Alaska Admin. Code tit. 7, § 27.010.	(-) Information required for pharmacists to fill prescription includes name, address of patient unless address readily available in patient record. Alaska Admin. Code tit. 12, § 52.460. (-) Labels for prescriptions <i>dispensed</i> by Advanced Nurse Practitioners must include patient name and may include patient id # (if applicable). Alaska Admin. Code tit. 12, § 44.447.	✓ EPT is permissible. Administrative regulations do not require a physician-patient relationship that would otherwise preclude EPT. Lack of contrary statutory or regulatory provisions suggests that EPT is permissible.

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	diseases." Alaska Admin. Code tit. 12, § 40.967(29)(B)						
Arizona	(+) Unprofessional conduct includes "Prescribing, dispensing or furnishing a prescription medication to a person unless the licensee first conducts a physical examination of that person or has previously established a doctor-patient relationship. This subdivision does not apply to: (v) Prescriptions written or antimicrobials dispensed to a contact who is believed to have had significant exposure risk with another person who has been diagnosed with a communicable disease." Ariz. Rev. Stat. § 32-1401(27)(ss)					(-) Drugs dispensed by physicians must bear patient's name. Ariz. Rev. Stat. § 32-1491 .	<p>✓ EPT is permissible.</p> <p>Statutory authority expressly authorizes EPT for treatment of person believed to have had significant exposure risk with another person who has been diagnosed with a communicable disease by the prescribing or dispensing health professional.</p>

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	See also: 32-1501 (31) (ww) , 32-1854 (48) , 32-2501(21)(kk)						
Arkansas	(-) "A physician exhibits gross negligence if he provides...any form of treatment, including prescribing legend drugs, without first establishing a proper physician/patient relationship." 060-00-001 Ark. Code State Medical Board Regulation No. 2(8)		(-)The Arkansas State Board of Nursing has determined that it is not within the scope of practice of the advanced practice nurse (APN) with prescriptive authority to prescribe for a person with whom the APN has not established a proper in-person APN/patient relationship. Position Statement		(+) The current edition of APHA's "Control of Communicable Disease in Man" is accepted for applying general control measures for communicable diseases. Ark. Reg. .007-15-02-001 promulgated under the authority of Ark. Code Ann. §§ 20-7-101 et seq.	(-) Pharmacist filling a prescription for dispensing to an ultimate patient may affix label showing patient's name on container, but not required. Ark. Code Ann. § 17-92-505.	✗ EPT is likely prohibited. Statutory language indicates that prescriptions be granted pursuant to a physician-patient relationship which is consistent with the pharmacist's duty to ensure that prescriptions are dispensed to an ultimate user.
California	(+) EPT authorized for Chlamydia, Gonorrhea or other sexually transmitted infections as determined by the	(-) Suspension of physician's license upheld because the Board				(-) Prescription label must bear patient's name. Cal. Bus. & Prof. Code § 4076.	✓ EPT is permissible. Statutory authority

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	Department. May be conducted by physicians, nurse practitioners, certified nurse midwives and physician assistants. Cal. Health & Safety Code § 120582.	conclusively established (among other charges) that physician prescribed to persons who were not his patients. Leslie v. Bd. of Medical Quality Assurance, 234 Cal. App. 3d 117.					expressly authorizes EPT for the treatment of chlamydia and gonorrhea and other sexually transmitted infections as determined by the State Department of Health Services.
Colorado			(+) It is the position of the Colorado Pharmacy Board that the public risk of untreated sexually transmitted infection is greater than the risk of complications from dispensing in this less than ideal setting. Colo. State Bd. of Pharm. Policy No. 40-4 Appropriateness of Labeling Prescriptions to Partners of Patients with Sexually Transmitted Infections (+) It is the position of the Colorado Board of Medical Examiners that the public risk			(-) Prescription label must include the name of the patient. Colo. Rev. Stat. § 12-22-123(2). (+) It is the position of the Colorado Pharmacy Board that the public risk of untreated sexually transmitted infection is greater than the risk of complications from dispensing in this less than ideal setting. Colo. State Bd. of Pharm. Policy No. 40-4 "Appropriateness of Labeling Prescriptions to Partners of Patients with	✓ EPT is permissible. Unlike other jurisdictions, the issuance of a prescription does not require an advance physical examination of each patient. The Medical Board has expressly supported EPT and deems it an acceptable practice.

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			of untreated sexually transmitted infection is greater than the risk of complications from prescribing in this less than ideal setting. Colo. Med. Bd. of Exam'rs Policy No. 40-10 "Appropriateness of Treating Partners of Patients with Sexually Transmitted Infection" states, "There is compelling need for the partner to receive treatment in the form of prescription medications. Treating partners of patients with sexually transmitted infections is generally considered acceptable and desirable if the partner will not seek treatment from his or her primary healthcare provider."			Sexually Transmitted Infections"	
Connecticut	(+) A prescribing practitioner who diagnoses a chlamydia or gonorrhea infection in a patient may prescribe and dispense oral antibiotic drugs to such patient and the patient's partners without a physical examination of such					(-) Prescription labels for drugs <i>dispensed</i> by physician must bear patient's full name. Conn. Gen. Stat. § 20-14e(c) .	<p>✓ EPT is permissible.</p> <p>Statutory authority expressly authorizes EPT for the treatment of chlamydia and</p>

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	<p>partner or partners. Conn. Gen. Stat. § 20-14e(e) (effective October 1, 2011)</p> <p>(-) Drugs dispensed by a prescribing practitioner shall be personally dispensed by the practitioner. Dispensing such drugs shall not be delegated except" to someone licensed to do so "under the supervision of the prescribing practitioner." Conn. Gen. Stat. § 20-14e(c).</p>						gonorrhea.
Delaware						<p>(-) Patient's full name required on prescription label regarding any prescription drug "for the use of a patient or other third party..." Del. Code Ann. tit. 24 § 2522 (noting that no third-party information is required on the label).</p> <p>(-) "Dispense means to furnish or deliver a drug to an</p>	<p>~ EPT is potentially allowable.</p> <p>Lack of statutory authority stating otherwise, the law does not preclude a physician from prescribing drugs for patient's partner. Partner information is not</p>

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						ultimate user by or pursuant to the lawful prescription of a practitioner." Del Code Ann. tit. 24 § 2502(4)	required on the prescription label. However, a pharmacist may only dispense drugs to an ultimate user.
District of Columbia			(-) District of Columbia Board of Medicine disciplinary order issued 7/31/2003: fined physician \$2000 for prescribing without seeing the patient. [Link to Medical Board Newsletter]		(+) Regulations incorporate by reference APHA's CCD Manual, Ninth Ed., 1960. Meeting requirements of the 1960 CCD manual is prima facie evidence of good medical or public health practice. D.C. Mun. Reg. tit. 22, § 202.8	(-) Label for prescription drug must bear patient's name. D.C. Mun. Reg. tit. 22, § 1912.2 . (-) Pharmacists must keep record of patient name and address for every prescription filled. D.C. Mun. Reg. tit. 22, § 1913.4 .	~ EPT is potentially allowable Incorporation by reference of APHA CCD Manual may authorize the use of EPT provided the jurisdiction recognizes current edition of the manual and the manual reflects existing CDC STD Treatment Guidelines.
Florida	(-) The health dept or its authorized representatives may examine or cause to be examined anyone					(-) The name of the patient for whom the drug was ordered must be on the label affixed to the container. Fla.	✗ EPT is likely prohibited. Individuals with

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	<p>suspected of having an STD, and if found to have the disease, that person shall be treated. Fla. Stat. Ann. § 384.27.</p> <p>(-) Physicians and physician assistants barred from practicing telemedicine, which includes prescribing drugs or treatment based solely upon electronic communication. Prior examination and diagnostic evaluation required. Fla. Admin. Code Ann. r. 64B8-9.014.</p>					<p>Stat. Ann. § 465.186 .</p> <p>(-) Pharmacist prohibited from dispensing prescription if there is reason to believe the prescription is not supported by physician-patient relationship or prior evaluation. Fla. Stat. Ann. § 465.023.</p> <p>(-) Florida pharmacy rules provide that</p> <p>“(1) Prescribing medications based solely on an electronic medical questionnaire constitutes the failure to practice medicine with that level of care, skill, and treatment which is recognized by reasonably prudent physicians as being acceptable under similar conditions and circumstances, as well as prescribing legend drugs other than in the course of a physician’s professional practice,” and prohibit prescriptions absent “(2)(a) a documented patient</p>	<p>STDs must undergo a physical exam prior to receiving treatment. Pharmacists are precluded from dispensing a drug to any individual who may receive the drug who has not received a physical examination.</p>

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						evaluation, including history and physical examination to establish the diagnosis for which any legend drug is prescribed." Fla. Admin. Code Ann. r. 64B8-9.014	
Georgia	(-) Dispense means "to issue... for subsequent administration to, or use by, a patient." Ga. Code Ann. § 43-34-26.1(a)(3.1)					(-) Prescriptions transmitted electronically or by fax must bear patient's name and address. Out-patient prescription drug labels must include the patient's name – Ga. Code Ann. § 26-4-80 .	~ EPT is potentially allowable . Dispensation to, or use by, a patient does not expressly preclude subsequent provision of drugs to a partner. There is no statutory requirement that a physician conduct a physical examination prior to dispensing a drug for use by a partner.
Hawaii	(-) "A prescription drug shall be dispensed only by a					(-) Prescription order must bear name and address of the person for whom the drug is	~ EPT is potentially allowable .

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	<p>practitioner to an ultimate user..." Haw. Rev. Stat. § 328-16(b)(3)</p> <p>(+) The director of health may "remove drugs subject to §§ 328-15.4 and 328 17 from the requirements of subsections [a-d] when such requirements are not necessary for the protection of the public health."</p> <p>Haw. Rev. Stat. § 328-16(h) (§ 328-15.4 concerns habit-forming drugs for use by a person ; § 328-17 concerns new drugs).</p>					<p>prescribed, i.e. the "ultimate user." Haw. Rev. Stat. § 328-16(b)(3)(B)(iv).</p>	<p>The director of health is authorized to waive prescription requirements that may otherwise preclude EPT to protect the public's health. Nothing suggests that this waiver be granted only for exigencies.</p>
Idaho			<p>(-) The Attorney General addressed the role of a non-physician (a correctional officer) to dispense prescriptions to a third-party (inmates). The AG concluded</p>			<p>(-) Supplying drugs to unqualified persons constitutes unprofessional</p>	<p>~ EPT is potentially allowable.</p> <p>Although only authorized health</p>

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			that this is not permissible because (1) dispensing of prescriptions requires specialized judgment, (2) an <i>in loco parentis</i> argument does not override the medical training required to administer drugs, and (3) only medical attendants may be delegated the task, as non-licensed practitioners, to dispense prescription medicines directly to a third-party. 1977 Op. Att'y Gen. Idaho 289.			conduct. Idaho Admin. Code r. 27.01.01.184(08) (-) Prescription label must bear patient's name. Idaho Admin. Code r. 27.01.01.159(02) .	care practitioners may dispense prescriptions, there is no statutory language that precludes EPT or requires a physical examination prior to issuing a prescription.
Illinois	(-) Concerning physical examination and medical treatment for syphilis, gonorrhea, or chlamydia, if an examination has not taken place, public health authorities shall request individuals to report for examination and complete treatment pursuant to the examination results. Ill. Admin. Code tit. 77, § 693.50(a)(3) .		(-) The Attorney General addressed whether non-licensed healthcare practitioners (nursing aids, orderlies, attendants) could dispense medications to patients. The AG concluded that only licensed practitioners (physicians or nurses) could administer medications. 1976 Op. Att'y Gen. Ill. 62			(-) Prescription label must bear patient's name. 225 Ill. Comp. Stat. 60/33 ; 225 Ill. Comp. Stat. 85/3(e) . (-) To sell or dispense a prescription drug without a prescription is prohibited. 410 Ill. Comp. Stat. 620/3.21 . (-) A drug may only be dispensed to the patient or the patient's representative authorized to receive it. 225 Ill. Comp. Stat. 85/3(m)	✓ EPT is permissible. Statutory authority expressly authorizes EPT for the treatment of chlamydia and gonorrhea.

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	(+) 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(s) 410 Ill. Comp. Stat. 325/6 ; see also 225 Ill. Comp. Stat. 60/64 (physicians); 225 Ill. Comp. Stat. 65/70-170 (nurses); and 225 Ill. Comp. Stat. 95/25 (physician assistants)						
Indiana	(-) A physician "shall not prescribe, dispense, or otherwise provide, or cause to be provided, any legend drug that is not a controlled substance				(+) For Chlamydia and gonorrhea, treatment guidelines incorporated: MMWR 1998	(+) Prescription label need not bear patient's name unless the patient's name is stated in the prescription. Ind. Code § 16-42-3-6(e)(3) .	✓ EPT is permissible. Medical Licensing Board regulations expressly authorize

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	<p>to a person who the physician has never personally physically examined and diagnosed unless the physician is providing care in consultation with another physician who has an ongoing relationship with the patient, and who has agreed to supervise the patient's use of the drug or drugs to be provided.”</p> <p>844 Ind. Admin. Code 5-4-1(b)</p> <p>(+) Medical Licensing Board of Indiana regulations allows physicians to prescribe and dispense medications for the treatment of chlamydia and gonorrhea to the sex partners of the physician's diagnosed patient without requiring examination</p>				<p>STD Treatment Guidelines, January 23, 1998, Volume 47/RR1. 410 Ind. Admin. Code 1-2.3-59, 1-2.3-67.</p>		<p>EPT for the treatment of chlamydia and gonorrhea.</p>

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	of the sex partners.						
Iowa	<p>(-) Local board shall cause an examination of any person suspected of having an STD, and if found to have one, that person shall be subjected to treatment. Iowa Code Ann. § 139A.34 .</p> <p>(+) "This chapter does not prevent a practitioner from delegating the administration of a prescription drug to a nurse, intern or other qualified individual... under the practitioner's direction and supervision." Iowa Code § 155A.4(2)(c)</p> <p>(+) "A physician, physician assistant, or advanced registered nurse practitioner who diagnoses a sexually transmitted chlamydia</p>		<p>(-) The Attorney General reviewed Iowa Code § 155.30, which provides that "Any person who sells or offers for sale, gives away or administers to another person any prescription drug shall be deemed guilty of... a public offense," but this shall not preclude "a licensed practitioner of medicine, dentistry, nursing... from such acts necessary in the ethical and legal performance of his profession." 1977-78 Op. Att'y Gen. Iowa 889. A court found this provision vague and unworkable as applied to these practitioners. <i>State v Webb</i>, 156 N.W. 2d 299. The AG ultimately opined that the legislative intent of the statute ensures that unlicensed individuals cannot administer prescription drugs without a prescription. 156 N.W. 2d at 301.</p> <p>(+) The AG addressed</p>		<p>(+) Local boards of health can make and enforce such necessary laws not inconsistent with the law or with the rules of the state board. Iowa Code Ann. § 137.6.</p>		<p>✓ EPT is permissible.</p> <p>Statutory law allows health care providers who diagnose a sexually transmitted chlamydia or gonorrhea infection in an individual patient to prescribe, dispense, furnish, or otherwise provide prescription oral antibiotic drugs to that patient's sexual partner or partners without examination of that patient's partner or partners. .</p>

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	or gonorrhea infection in an individual patient may prescribe, dispense, furnish, or otherwise provide prescription oral antibiotic drugs to that patient's sexual partner or partners without examination of that patient's partner or partners." Iowa Code Ann. § 139A.41		whether a physician had to be present while his or her agent (e.g., pharmacist) administered a prescription drug. The AG concluded "that supervision of an agent who is administering a prescription drug under the Iowa Pharmacy Practice Act does not necessarily require the physical presence of a physician. 2000 Iowa AG LEXIS 44.' While the AG concluded that its opinion was consistent with proposed rules proffered by the Iowa Board of Pharmacy Examiners and the Board of Medical Examiners, it also noted that it is not attempting to determine who is medically qualified to administer prescription drugs or what constitutes adequate supervision among health care professionals.				
Kansas			(+) There is no statutory requirement that patients be examined by a physician prior to being given a prescription at a non-profit clinic. However, the need for a			(-) A dispensing physician shall clearly label each drug dispensed. The label shall be typed or machine printed and shall include the following: (b) The full name of the	~ EPT is potentially allowable. Although physicians may

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			physical examination depends on the facts and standards of competent medical practice. XVI Kan. Op. Att'y Gen. 60, No. 82-162 (1982).			patient. Kan. Admin. Regs. § 100-21-2 (-) Except for specified statutory exceptions, the sale or transfer (actual, constructive or attempted) of a drug from one person to another must occur within a registered pharmacy by a registered pharmacist or by a person acting under the pharmacist's supervision. One exception pertains to the transfer of a drug by "dispensing" the drug. "Dispense" means "to deliver prescription medication to the ultimate user . . . by or pursuant to the lawful order of a practitioner." Kan. Stat Ann. § 65-1626(k)	prescribe drugs without conducting a physical exam, a pharmacist may only dispense drugs to an ultimate user (which may not include partners of patients).
Kentucky	(-) Any person infected, or reasonably suspected of being infected, with an STD shall undergo such		(-) ...if a nurse or other person is dispensing any sort of prescription drug without the immediate supervision of a pharmacist or physician then			(+) Label not required to have patient name. KRS 217.015 (26) ; see also KRS 217.065 (2) , 217.065 (6) , and 217.065	✗ EPT is likely prohibited. Physicians are

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	<p>medical examination as is necessary to determine the existence or nonexistence of diagnosis, and if found to be infected, shall submit to treatment. 902 Ky. Admin. Regs. 2:080.</p>		<p>they would be in direct violation of the prohibitions against such activity. Ky. Rev. Stat. Ann. §§ 315.020(1)-(2) 1978 Ky. AG LEXIS 286 (OAG 78-450)</p>			<p>(11)(b) .</p> <p>(-) Under the Food, Drug, and Cosmetic Act, "dispense" means to "deliver a drug...to an ultimate user...by or pursuant to the lawful order of a practitioner..." KRS 217.015(9) ;</p> <p>(+) Occupations and Professions Code on Pharmacists, which defines "dispense" as delivering a drug "to or use by a patient or other individual entitled to receive the prescription drug." KRS 315.010</p> <p>(-) Pharmacists must create and maintain patient information, including name address, age, list of all prescriptions from the last 12 months, etc., and give counseling to the patient to optimize drug therapy, as appropriate.</p> <p>201 KAR 2:210 ; <i>see also</i></p>	<p>precluded from prescribing drugs for an STD without conducting a physical exam. Physicians may not delegate their authority to dispense drugs to any other person. Pharmacists must ensure that all drugs are dispensed to an ultimate user (which may not include partners of the patient).</p>

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						KRS 315.191(1), (5), (6), 42 C.F.R. Part 456	
Louisiana	<p>(-) "A prescription issued...in the absence of a documented patient evaluation including a physical examination, is issued outside the context of a valid physician-patient relationship, and is not a valid prescription." La. Admin. Code tit. 46 Part LIII Chapt. 25 Subchapt. B § 2515</p> <p>(+) "Any physician or any advanced practice registered nurse...may prescribe, furnish, or otherwise provide prescription antibiotic drugs to that patient's sexual partner or</p>		<p>(-) "It is the position of the Louisiana State Board of Medical Examiners that: (i) it is in contravention of the Louisiana Medical Practice Act for a physician to prescribe medication, treatment or a plan of care generally if the physician has not established a physician patient relationship."</p> <p>[Link to Medical Board Opinion]</p> <p>(+) The Louisiana Board of Pharmacy issued a bulletin , to notify pharmacies and pharmacists of La. Rev. Stat. Ann. § 40:1064.1 so they will "recognize prescriptions for antibiotics issued under Expedited Partner Therapy as legitimate prescriptions."</p>			<p>(-) Prescription label must bear patient's name. La. Rev. Stat. Ann. § 1702; <i>see also</i> LA Admin Code Tit. 46 Part LIII Chapt 25 Subchapt A §2527</p>	<p>✓ EPT is permissible.</p> <p>Statutory authority expressly authorizes EPT for the treatment of chlamydia and gonorrhea.</p>

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	<p>partners absent a doctor-patient relationship or absent an advanced practice registered nurse-patient relationship and without examination ...of that patient's sexual partner or partners." La. Rev. Stat. Ann. § 40:1064.1.</p> <p>(+) "If expedited partner therapy is chosen as an alternative [by a] physician, advanced practice registered nurse or physician assistant, the patient with a case of gonorrhea or chlamydia will be given [an informational] document that the patient agrees to give</p>						

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	to his or her sexual contact. Additionally, any pharmacist licensed to practice pharmacy in this state may recognize a prescription authorized by this section as valid, notwithstanding any other provision of law or administrative rule to the contrary." La. Admin. Code tit. 51 Part II Chapt. 1 § 117 (H)						
Maine	(+) "... a health care professional who makes a clinical diagnosis of a sexually transmitted disease may provide expedited partner therapy for the treatment of the sexually transmitted disease if in the judgment of the health care professional the sexual partner is unlikely or unable to		(-) It is the policy of the Board of Licensure in Medicine that prescribing, dispensing or furnishing a prescription medication or device to a person who is not an established patient and whom the physician has not personally examined may be unprofessional conduct subject to disciplinary action pursuant to 32 MRSA, §3282-A, 2, (f). This rule does not apply to admission orders for		(+) The Maine Center for Disease Control and Prevention requires that "treatment shall be in accord with the most current treatment recommendations /standards of care for the notifiable disease or condition." 10-	(-) Prescription label must bear patient's name. Me. Rev. Stat. Ann. tit. 32, § 13794. (-) Prescription drug orders shall contain, at a minimum, Name and Address of the Patient. 02-392 Part 4, Ch. 19 §1, p. 72. (-) Prescription label must bear patient's name. Me. Rev. Stat. Ann. tit. 32 § 13794	✓ EPT is permissible. Statutory authority expressly authorizes EPT for the treatment of sexually transmitted diseases.

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	<p>present for comprehensive health care, including evaluation, testing and treatment.” (Effective July 21, 2010.) Me. Rev. Stat. Ann. tit. 22 § 1242</p>		<p>a newly hospitalized patient, prescribing for a patient of another physician for whom the prescriber is providing coverage, or continuing medication on a short-term basis prior to a new patient's first appointment. [Link to Medical Board Opinion]</p>		<p>144 Me. Code R. Ch. 258, §9 (D)(2)</p> <p>(+) Incorporates by reference prescribed care as set forth in APHA CCD Manual, 18th edition (2004), unless specified otherwise by the State Epidemiologist. 10-144 Me. Code R. Ch. 258, §9 (A)</p> <p>(+) “The health department may establish procedures for agents of the department to use in the . . . treatment of individuals having or reasonably believed to have</p>		

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					a communicable disease." Me. Rev. Stat. Ann. tit. 22, § 807 .		
Maryland	<p>(+) Certain health care providers are authorized to dispense or otherwise provide certain antibiotic therapy to certain partners of patients diagnosed with certain sexually transmitted diseases without making a certain physical assessment as part of the Expedited Partner Therapy Pilot Program in the Baltimore City Health Department. Md. Code Regs. 10.06.01.17-1. The termination date of pilot program is June 30, 2015.</p> <p>(-) Physician may only <i>dispense</i></p>		<p>(-) A physician who prescribes naloxone—a non-controlled substance—to a patient to give to another heroin user in the event of an overdose would be subject to criminal prosecution and disciplinary action for aiding unauthorized practice of medicine and for violating applicable laws. 88 Op. Att'y Gen. Md. 03-009 (2003).</p> <p>(-) No single State law specifies the contents of a valid prescription. However, the necessary elements of a prescription may be inferred from statutes that govern the dispensing and labeling of prescription drugs. Generally, a prescription will include the identity of the patient.... See Annotated Code of Maryland, Health Occupations Article,</p>		<p>(+) The secretary or health officer shall take any action necessary to prevent the spread of a communicable disease and shall issue special instructions, when necessary, for the control of a disease or condition. Md. Code Regs. § 10.06.01.06</p> <p>(+) Regulations incorporate by reference: APHA CCD Manual, 19th Edition, 2008, except where such</p>	<p>(+) Prescription need not bear patient's name. However if name is provided on prescription, label must bear the name of the patient. Md. Code Ann., Health-Gen. § 21-221.</p>	<p>✓ EPT is permissible in Baltimore.</p> <p>Certain health care providers are authorized to dispense or otherwise provide certain antibiotic therapy to certain partners of patients diagnosed with certain sexually transmitted diseases without making a certain physical assessment as part of the Expedited Partner Therapy Pilot Program in the Baltimore City Health Department Md. Code Ann., Health-Gen. §</p>

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	<p>prescription drug to physician's patient, unless prescription is a starter dose, sample, or at non-profit or public health clinic. Md. Code Ann., Health Occ. § 12-102 .</p> <p>Note, the above provision does not apply to providing a prescription order to a patient.</p> <p>(-) Per Maryland Code of Regulations: Board of Physicians: A licensee shall dispense prescription drugs only to the patients of the licensee, and dispense drugs to a patient only when a pharmacy is not conveniently available to the patient.</p> <p>Md. Code Regs. 10.13.01.04</p>		<p>Md. Code Ann., Health Occ. § 12-504 (circumstances under which pharmacist may substitute generically equivalent drug of "same dosage form and strength" for specified brand name drug); Health- General Article Md. Code Ann., Health-Gen. § 21-221(a) if stated in the prescription," a dispensed drug must be labeled with the name of the patient, any directions for use, and any cautionary statements); 01 Op. Att'y Gen. Md. 01-026 (2001).</p> <p>(-) The Maryland Board of Physician Quality Assurance expressed concern about internet prescribing. It questioned the existence of a bona fide doctor/patient relationship when a person, previously unknown to the physician, provides subjective answers to questions via an online questionnaire and the physician provides</p>		<p>recommendations conflict with health regulations. Md. Code Regs. §§ 10.06.01.01-1, 10.06.01.07</p>		<p>10.06.01.17-1</p> <p>~ EPT is potentially allowable in Maryland.</p> <p>Statutory law does not preclude the administration of prescription drugs to a patient for use by partners. The medical and pharmacy boards are reluctant to support prescriptions issued outside of a bona fide physician patient relationship. The MDHMH Secretary or health officer may take actions necessary to prevent the spread of a communicable disease (which is not limited to exigencies). As well, APHA's CCD Manual is</p>

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			<p>prescriptions medications.</p> <p>[Link to Pharmacy Board Newsletter]</p> <p>(-) The Maryland Board of Physicians suspended the license of a physician pursuant to a Consent Order of the North Carolina Board sanctioning the physician for authorizing prescriptions without a physical examination and without any prior physician-patient relationship.</p> <p>[Listing of Medical Board sanctions]</p>				incorporated by reference.
Massachusetts	(+) In July of 2010, the Massachusetts legislature passed Mass. Gen. Laws ch. 111, § 121B , which states that "the department [of public health] shall promulgate regulations		(-) In 2003, the Board of Registration in Medicine issued a policy on internet prescriptions, providing that "to satisfy the requirement that a prescription be issued by a practitioner in the usual course of his professional practice, there must be a			(-) Dispensing means "the physical act of delivery a drug...to an ultimate user." 247 Mass. Code Regs. 2.00	<p>✓ EPT is permissible.</p> <p>Department of Public Health regulations authorize EPT for the treatment of chlamydia.</p>

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	<p>authorizing [EPT]..." In August of 2011, the Department of Public Health promulgated such regulations, which state "a registered physician, physician assistant, nurse practitioner, or nurse midwife may provide expedited partner therapy (EPT) for the treatment of chlamydia infection..." 105 CMR 700.003(J)</p>		<p>physician-patient relationship that is for the purpose of maintaining the patient's well-being and the physician must conform to certain minimum norms and standards for the care of patients, such as taking an adequate medical history and conducting an appropriate physical and/or mental status examination and recording the results." It concluded that issuance of a prescription "by any means, including the internet,...that does not meet these requirements is therefore unlawful." Note that the Board did not clarify, in citing a statutory provision on prescriptions for controlled substances, whether its position on issuing prescriptions without an exam also applies to the issuance of non-controlled substances. [Link to Massachusetts Board Opinion]</p>				
Michigan	<p>(-) Prescribing practitioner can only <i>dispense</i> prescription drugs to the practitioner's own</p>					<p>(-) Prescription cannot be dispensed unless patient's name and record number are on the prescription label. Mich. Comp. Laws Ann. §</p>	<p>✗ EPT is likely prohibited. Statutory law</p>

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	<p>patients. Mich. Comp. Laws Ann. § 333.17745. Note, the above provision does not apply to providing a prescription order to a patient.</p>					<p>333.177457 ; <i>see also</i> Pharmacy Board rule R 338.479.</p> <p>(-) Pharmacist must provide purchaser of prescription drug a receipt which includes patient name. § 333.17757 .</p> <p>(-) Pharmacist may not dispense prescription drugs unless s/he determines that the prescription is pursuant to an existing physician/patient relationship. Mich. Comp. Laws Ann. § 333.17751 .</p> <p>(-) A prescriber who issues a written prescription for a noncontrolled legend drug . . . shall ensure that the prescription contains...(a) The full name of the patient for whom the drug is being prescribed....”</p> <p>Mich. Admin. Code r 338.479(b)</p>	<p>requires that drugs be dispensed to a physician's <i>own</i> patients, narrowing the class of legitimate recipients to individuals who have expressly established a physician patient relationship. Pharmacists must ensure that all prescriptions are dispensed pursuant to a valid physician patient relationship.</p>

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Minnesota	(+) A RN, physician assistant, or medical student may implement protocol that does not reference a specific patient and results in a prescription of a legend drug that has been predetermined and delegated by a licensed practitioner, when (1) patient's condition falls within the protocol and (2) the protocol specifies the circumstances under which the drug is to be prescribed or administered. Minn. Stat. Ann. §§ 148.235, Subd. 8 , 151.37 Subd. 2(a) (2009) .				(+) "Nothing in this chapter prohibits a licensed practitioner from issuing a prescription or dispensing a legend drug in accordance with the Expedited Partner Therapy in the Management of Sexually Transmitted Diseases guidance document issued by the United States Centers for Disease Control." Minn. Stat. Ann. § 151.37 Subd. 2(g) (2009)	(+) "Nothing in this chapter prohibits a licensed practitioner from issuing a prescription or dispensing a legend drug in accordance with the Expedited Partner Therapy in the Management of Sexually Transmitted Diseases guidance document issued by the United States Centers for Disease Control." Minn. Stat. § 151.37 Sub 2(f)	✓ EPT is permissible. Statutory authority expressly authorizes EPT for the treatment of chlamydia and gonorrhea.

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Mississippi						(+) Prescription label need not bear patient's name. Miss. Code Ann. § 73-21-119. (-) Prescriptions can only be dispensed by a pharmacist "for a patient." Miss. Code Ann. § 73-21-73 (cc)	✓ EPT is permissible. Dispensation of a drug "for a patient" does not preclude EPT absent express language otherwise.
Missouri	(-) "Physicians may dispense only to				(+) Regulations incorporate: (1)	(-) Prescription label must bear patient's name. Mo. Ann.	✓ EPT is permissible.

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	<p>individuals with whom they have established a physician/ patient relationship.”</p> <p>Mo. Code Regs. Ann. Tit. 20 § 2150-5.020(5)</p> <p>(+)*A licensed physician utilizing expedited partner therapy may prescribe and dispense medications for the treatment of chlamydia or gonorrhea for an individual who is the partner of a person with chlamydia or gonorrhea and who does not have an established physician/patient relationship with such physician.” Mo. Rev. Stat. § 191.648</p>				<p>APHA CCD Manual, 15th edition, 1990; (2) AAP's Report of Comm'ee on Infectious Diseases, 22nd edition, 1991; and (3) CDC's MMWR General Recommendations on Immunization, April 7, 1989. Mo. Code Regs. Ann. tit. 19, § 20-20.040.</p>	<p>Stat. § 338.059; see also Mo. Code Regs. Ann. Tit. 4 § 150-5.020(4)(b)</p>	<p>Statutory authority expressly authorizes EPT for the treatment of chlamydia and gonorrhea.</p>

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Montana				(+) House Bill No. 292 amends sections 37-2-104, 37-7-103, 50-18-10, and 50-31-301, MCA to allow "the dispensing of a prescription drug for a sexual partner of a person being treated for a sexually transmitted disease if the drug is dispensed in accordance with the provisions of 50-18-110 by a physician, physician assistant, or advanced practice registered nurse with authority to	(+) Public health department regulations incorporate by reference CDC guidelines from MMWR: STD Treatment Guidelines, vol. 51, 2002. Mont. Admin. R. 37.114.515 (chlamydia); 37.114.530 (gonorrhea).	(-) Prescription must bear patient's name and address. Mont. Code Ann. § 37-7-101(38) .	~ EPT is potentially allowable. Incorporation by reference of CDC's STD Treatment Guidelines suggest EPT is potentially allowable provided the state automatically recognizes the most current version of CDC's guidelines. The 2009 introduction of a bill to legalize dispensing of a prescription drug to a patient's partner suggests support for the practice of EPT.

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				prescribe." Status: Died in standing committee (4/28/09)			
Nebraska	(-) Prophylactic treatment for STDs allowed after diagnostic evaluation of STD when the person either has an STD or is suspected of having contact with someone with an STD. Neb. Rev. Stat. § 71-504.			(+) Legislative Bill 992 "A physician, physician assistant, or advanced practice registered nurse who diagnoses a sexually transmitted disease . . . may prescribe, dispense, furnish, or otherwise provide prescription oral antibiotic drugs to that patient's sexual partner	(+) Regulations incorporate by reference: (1) APHA's CCD Manual (latest edition); (2) CDC disease-specific recommendations via MMWR (latest edition). 173 Neb. Admin. Code § 1-007	(+) Prescription label need not bear the patient's name. Neb. Rev. Stat. § 71-5404.	~ EPT is potentially allowable. A diagnostic evaluation that does not mandate a physical examination, along with the incorporation of CDC disease-specific recommendations, may allow EPT for the treatment of specific STDs.

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				or partners without examination of that patient's partner or partners." (Indefinitely postponed April 14, 2010)			
Nevada				(+) Senate Bill No. 305 amends Chapter 441A of the Nevada Revised Statutes to allow a health care provider to provide a patient diagnosed with an STD with a prescription for treatment of that STD to their sexual partner without	(+) Regulations incorporate by reference: (1) APHA's CCD Manual; (2) AAP's "1997 Red Book; (3) CDC STD Treatment Guidelines as of Sept. 1, 1989. Any revision to the above guidelines is effective 10 days after its revision unless the state health officer files an objection with the state	(-) Requires patient name on label of prescription. Nev. Rev. Stat. § 639.2353(2)(d)	✓ EPT is permissible. Administrative regulations mandate adherence to the CDC STD Treatment Guidelines, as revised, for the treatment of chlamydia and gonorrhea. These regulations, plus the state health department's use of CDC guidelines as standard of care, and lack of contrary statutory or

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				examining the partner. (Introduced March 16, 2009)	board of health. Nev. Admin. Code § 441A.200 (+) CDC STD Treatment Guidelines heralded as the "standard of care" for the treatment of STDs in Nevada. [Link to Health Department STD Program policy] (+) All health care providers must follow Chlamydia and gonorrhea treatment guidelines in STD Treatment Guidelines, MMWR, 1989. Nev. Admin. Code §§		regulatory provisions, suggest EPT is permissible.

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					441A.490 , 441A.540 .		
New Hampshire			(+) The New Hampshire State Board of Medicine adopted guidelines regarding prescribing of medications for patients unknown to the physician. The Board found that "under certain circumstances for treatment of contacts of sexually transmitted diseases, it is appropriate for a physician to give a prescription to the index patient with whom there is a physician-patient relationship for the sole purposes of treating a sex partner that has not been examined." [Link to Medical Board Guidelines]			(-) Patient's name required on prescription. N.H. Rev. Stat. Ann. § 318:47-a.	<p>✓ EPT is permissible</p> <p>The medical board guidelines state that it is appropriate for a physician to give a prescription to the index patient to treat a sex partner that has not been examined.</p>
New Jersey	(+) The state department of health may provide antibiotics and other appropriate drugs for the treatment and prevention of STDs. N.J. Stat. Ann § 26:4-					(-) Patient's name required on prescription label. N.J. Stat. Ann. § 24:21-17.	<p>~ EPT is potentially allowable.</p> <p>The state department of health is granted broad authority to dispense drugs for</p>

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	<p>47.</p> <p>(-) A prescription means a lawful order of a practitioner for a drug, a device or diagnostic agent for a <i>specific patient</i>. N.J. Stat. Ann. § 45:14-41.</p>						<p>the treatment and prevention of STDs. Although a physician may only prescribe medications for a specific patient, EPT may be possible pursuant to population-based interventions under the direction of the health department.</p>
New Mexico	<p>(+) Unprofessional or dishonorable conduct includes "prescribing drugs or medical supplies to a patient when there is no established physician-patient relationship, which would include at a minimum an adequate history and physical examination and informed consent, except for on-call physicians and physician assistants; and except for the provision of treatment</p>		<p>(+) On May 11, 2006, the New Mexico Medical Society adopted a Resolution that supported the implementation of expedited partner therapy; and specifically, "the option of expedited partner treatment for sexually transmitted diseases consistent with the most current version of Centers for Disease Control and Prevention guidelines, "Expedited Partner Therapy in the Management of Sexually Transmitted Diseases, Review and Guidance," when conducted in accordance with protocols developed by the</p>			<p>(-) Prescription must bear name and address of patient. N.M. Stat. Ann. § 61-6-7.1 (Repealed, effective July 1, 2016).</p>	<p>✓ EPT is permissible.</p> <p>Statutory authority precludes prescribing drugs absent a physician-patient relationship except for the provision of treatment for partners of patients with STDS when this treatment is in accordance with the EPT guidelines and protocol published</p>

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	for partners of patients with sexually transmitted diseases when this treatment is conducted in accordance with the expedited partner therapy guidelines and protocol published by the New Mexico department of health." N.M. Code R. § 16.10.8.8(L)		New Mexico Department of Health. The New Mexico Medical Society would support such changes in the Medical Practice Act and/or rules and regulations that - while preserving the general principle of requiring a doctor-patient relationship prior to treatment - would provide an exception in the specific context of expedited partner treatment to give physicians and physician assistants the option of using CDC-defined expedited partner treatment for sexually transmitted diseases without fear of being in violation of the Medical Practice Act."				by the New Mexico Department of Health.
New York	(+) A healthcare practitioner who diagnoses chlamydia infection in a patient may prescribe and dispense antibiotic drugs to the patient's sexual partner(s) without examining the patient's partner(s). N.Y. Pub. Health Law	(-) Judicial decisions suggest that providing prescription without prior examination is physician misconduct. Carloni v. De Buono 245 A.D.2d 970,			(+) Any persons diagnosed as having gonorrhea, or those who have been exposed to gonorrhea, shall be treated with appropriate medication in accordance with accepted medical	(-) Prescription must bear the patient's name, address, and age. N.Y. Comp. Codes R. & Regs. tit. 8, § 29.2.	✓ EPT is permissible. Statutory authority expressly authorizes EPT for the treatment of chlamydia.

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	<p>§ 2312</p> <p>New York released rules in support of its statutory authorization of EPT, which includes eligibility criteria for EPT, requirements for educational materials to be provided to patients who are provided with EPT treatment, EPT prescription format requirements, and reporting procedures for cases of EPT.</p> <p>Dep't. N.Y. Comp. Codes R. & Regs. tit. 10, § 23.5.</p>	<p>972 (N.Y.App. Div. 1997); Balmir v. De Buono 237 A.D.2d 648, 649 (N.Y. App. Div.1997).</p>			<p>procedures as described in the most recent treatment schedule distributed by the NYS Dep't of Health. Any person diagnosed as having chlamydia shall be treated by means of a written prescription issued in accordance with accepted medical procedure as described in the STD clinic guidelines distributed by the Dep't. N.Y. Comp. Codes R. & Regs. tit. 10, § 23.2.</p>		
North Carolina			<p>(+) It is the position of the North Carolina Medical Board that prescribing drugs for an individual whom the licensee has not met or personally</p>		<p>(+) Regulations incorporate: APHA's CCD Manual (as revised); any</p>	<p>(-) Prescription label must bear patient name. N.C. Gen. Stat. § 106-134.1.</p>	<p>✓ EPT is permissible. The Medical Board expressly supports EPT for the</p>

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			<p>examined may be suitable when that individual is the partner of a patient whom the licensee is treating for gonorrhea or chlamydia. [Link to Medical Board Opinion] ” (November 2009)]</p> <p>(-) “It is up to the Pharmacist to determine the legitimacy of each prescription, which arrives in the Pharmacy. One important consideration is the Board’s Rule on prescription orders, 21 N.C. Admin. Code 46.1801(b) . . . The Rule specifically provides that a Pharmacist shall not fill or refill a prescription if the order was produced from a prescriber without a prior prescriber-patient relationship or without a physical examination.”</p> <p>[Link to Board of Pharmacy Opinion]</p>		<p>guidelines or recommendations published by CDC (as revised) shall supersede those contained in the CCD Manual. 10A N.C. Admin. Code 41A.0201.</p> <p>(+) For gonorrhea and Chlamydia, regulations incorporate recommendations contained in the U.S. Public Health Service STD Treatment Guidelines (as revised). 10A N.C. Admin. Code 41A.0204.</p>		treatment of chlamydia and gonorrhea and deems it an appropriate practice, which is further supported by the incorporation of CDC Treatment Guidelines.
North Dakota	(+) “A practitioner	(-) Court	(-) In an opinion focused on			(-) Prescription label must	✓ EPT is

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	<p>who diagnoses a sexually transmitted disease...may prescribe or dispense, and a pharmacist may dispense, prescription antibiotic drugs to that patient's sexual partner or partners, without there having been an examination of that patient's sexual partner or partners."</p> <p>N.D. Admin. Code rr. 61-04-04-01 (21) , 50-05-01-01 , 54-05-03.1-10(8)</p> <p>(+) Nothing in the requirements for dispensing controlled substances and specified drugs "may be construed to prohibit a practitioner from issuing a prescription or dispensing a controlled substance or specified drug in</p>	<p>upheld revocation of physician's license for prescribing over Internet without prior examination or physician-patient relationship. Jones v. ND State Bd. of Med. Exam'rs, 691 N.W.2d 251 (N.D. 2005)</p>	<p>durable powers of attorney, the N.D. Attorney General stated that "North Dakota has many laws which limit a person's access to desired medical treatment. Certain drugs or medicines are not available without an authorized practitioner's prescription. N.D. Cent. Code § 19-02.1-15(1)." <i>Id.</i> at *8. 1997 Op. Att'y Gen. N.D. L-141.</p>			<p>bear patient's name unless physician indicates otherwise. N.D. Cent. Code § 19-02.1-14.1.</p>	<p>permissible. Statutory authority expressly authorizes EPT for the treatment of sexually transmitted diseases.</p>

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	<p>accordance with administrative rules adopted by a state agency authorizing expedited partner therapy in the management of a sexually transmitted disease". Effective date is August 1, 2009</p> <p>N.D. Cent. Code § 19-02.1-15.1(4)(d)</p>						
Ohio	<p>(-) Physician assistant may not provide treatment for new patients or new conditions in established patients without prior physician evaluation. Ohio Rev. Code Ann. § 4730.21.</p>	<p>(-) Physician failed to use reasonable care when she prescribed excessive and extra doses of antibiotic to patient who insisted on giving extra dosage to husband. Reed v. State Med. Bd. Ohio, 833</p>				<p>(-) Prescription label must bear patient's name. Ohio Rev. Code Ann. § 3715.64; see also Ohio Admin. Code § 4729-5-30(B)(4).</p> <p>(-) An order purporting to be a prescription issued not in the usual course of bona fide treatment of a patient is not a prescription and the person knowingly dispensing such a purported prescription, as well as the person issuing it, shall be subject to the penalties of law. Ohio Admin. Code §</p>	<p>✗ EPT is likely prohibited.</p> <p>Statutory authority, case law, and administrative regulations require a physician to conduct a physical exam prior to prescribing any drugs. The physician and the dispensing pharmacist would be subject to</p>

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		N.E.2d 814 (Ohio Ct. App. 2005). (-) Physician misconduct for failing to evaluate new patients before prescription given, instead delegating to physician assistant. Royder v. State Med. Bd. of Ohio, 789 N.E.2d 1119 (Ohio 2003).				4729-5-30(A).	penalties if they knowingly allow a third-party who was not the physician's patient to procure a prescription drug.
Oklahoma	(-) Physicians prohibited from prescribing to a patient without sufficient examination or establishing physician/patient relationship. Okla. Stat. tit. 59 § 509(12). , Okla. Stat. tit. 59 § 637. (-) It is unlawful for	(-) Physician misconduct found when physician prescribed to patients without establishing physician-patient relationship or prior examination.	(-) The Oklahoma State Board of Medical Licensure and Supervision determined that "Unprofessional conduct includes "prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician/ patient relationship" pursuant to Title 59 O.S. 509-12. Also, a "sufficient examination" and	(+) House Bill No. 3162 states that "... a filled prescription label shall include ... the name of patient" except for the purpose of "dispensing antibiotic drugs for the		(-) Prescription label must bear name of patient. Okla. Stat. tit. 59 § 353.13A. , Okla. Stat. tit. 59 § 355.1. (-) If the name of patient is stated in the prescription, the label must bear the patient's name. Okla. Stat. tit. 63. § 1-1409. (-) "The pharmacy or	✗ EPT is likely prohibited. Statutory authority, case law, medical board opinions, and administrative regulations require a physician to conduct a physical exam prior to prescribing any

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	any person not a physician to treat anyone for an STD, unless that person is under direct control of a physician. Okla. Stat. tit. 59 § 1-521.	State v. Litchfield, 103 P.3d 111 (Okla. Civ. App. 2004). State v. Ray, 848 P.2d 46 (Okla. Civ. App. 1992).	"establishment of a valid physician/patient relationship" can NOT take place without an initial face to face encounter with the patient. In other words, it requires at a minimum: . . . 2. Establishing a diagnosis through the use of accepted medical practices such as a patient history, mental status exam, physical examination and appropriate diagnostic and laboratory testing by the prescribing physician; 3. Discussing with the patient, the diagnosis and the evidence for it, the risks and benefits of various treatment options; and 4. Insuring availability of the physician or coverage for the patient for appropriate follow-up care." [Link to Medical Board Policy Position]	treatment of a sexually transmitted disease to the partner of a patient without first examining the partner of the patient." (Introduced February 2, 2010)		pharmacist shall not dispense a prescription drug if the pharmacist knows or should have known that the prescription was issued solely on the basis of an internet-based questionnaire, an internet-based consultation, or a telephonic consultation without a valid preexisting patient-practitioner relationship." Okla. Admin. Code § 535:15-3-13(d)	drugs. The physician and the dispensing pharmacist would be subject to penalties if they knowingly allow a third-party who was not the physician's patient to procure a prescription drug.
Oregon	(-) Prescription drugs dispensed by a physician shall be personally dispensed by the physician. Or. Rev. Stat. § 677.089(1) ; <i>see also</i>		(+) The State Medical Board of Oregon recognizes that EPT is "often the only reasonable way to access and treat the partner(s) and impact the personal and public health risks of continued, or			(-) Dispensing physicians shall label prescription drugs with the name of the patient. Or. Rev. Stat. § 677.089(3)(a) (+) ". . . the pharmacist or	✓ EPT is permissible. Statutory authority allows certain health professional

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	<p>Or. Admin R. 333-076-0145(4)</p> <p>(+) Amendments and new rules within the Board of Pharmacy will permit pharmacists, nurse practitioners, Clinical Nurse Specialists and other practitioners . . . to prescribe and dispense, within their scope of practice, specified drugs for an unnamed patient when the prescription is identified as "for EPT Therapy". Or. Admin R. 855-041 and 855-043</p> <p>(+) Certain health professional regulatory boards can adopt rules that permit practitioners to prescribe or dispense antibiotic drugs to partners of patients without examining the partner for treatment</p>		<p>additional, chlamydial and gonorrheal infections. The Board urges practitioners to use all reasonable efforts to assure that appropriate information and advice are made available to the absent, treated third party or parties"</p> <p>Link to Medical Board Statement of Philosophy (Sec. V, page 4) . Adopted April 2007.</p>			<p>pharmacy intern shall state or cause to be stated on the label the following: (d) The name of the patient, unless the drug is prescribed to a partner of a patient as defined in Or. Rev. Stat. § 676.350 in accordance with rules adopted under Or. Rev. Stat. § 676.350 authorizing the practice of expedited partner therapy." Or. Rev. Stat. § 689.505(5)</p>	<p>boards to adopt rules that permit EPT.</p>

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	of sexually transmitted diseases. Or. Rev. Stat. § 676.350						
Pennsylvania	(+) A prescription means a written or oral order issued by a duly licensed medical practitioner in the course of his professional practice ... which is dispensed for use by a consumer." 63 Penn. Stat. § 390-2(8) ; see also 49 Pa. Code. § 27.1					(+) Pharmacist dispensing means "preparation of a prescription or non-prescription drug...for subsequent administration to or use by a patient or other individual entitled to receive the drug." 63 Penn. Stat. § 390-2(2.1) . (-) Prescriptions on file shall show the name and address of the patient. 49 Pa. Code § 27.18(b)(1) . (-) "The label shall also bear the name and address of the practitioner, the date dispensed, the name of the patient, and the directions for use of the drug by the patient." 49 Pa. Code § 16.94(a)	✓ EPT is permissible. Statutory language does not preclude a third-party partner from being a "consumer" or an "individual entitled to receive the drug."
Puerto Rico	(-) A prescription is an "original written order issued and signed by a medical doctor . . . in		(-) It is not pretended for telemedicine to replace health care providers or relegate them to a lesser role in the				~ EPT is potentially allowable. The need to obtain

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	<p>the normal course and legal exercise of his/her profession in Puerto Rico, in order for certain drugs or devices to be dispensed. . . . It shall be the obligation of the physician issuing the same to comply with the professional responsibility of a true physician-patient relationship." Puerto Rico Pharmacy Act No. 247 (2004), section 1.03 (ww); see also subsection (ww) amended (2008)</p> <p>(-) "The Board may suspend, cancel, or revoke a license, censure, reprimand or place a physician on probation if he/she employs or delegates the authority to</p>		<p>offering of their services. By regulating telemedicine, the fundamental relationship between physician and patient is preserved, expanded and broadened." Puerto Rico Telemedicine Regulating Act No. 227 (1998), Statement of Motives</p> <p>(-) "Should the patient agree to the use of telemedicine services, the physician shall obtain the oral and written informed consent of the patient before the services are rendered." Puerto Rico Telemedicine Regulating Act No. 227 (1998) Section 8</p>				<p>verbal and written informed consent suggests that a physician does not need to perform a physical exam prior to issuing a prescription. Statutory ambiguities suggest that the recipient of a prescription may include a patient's partner. At the same time, statutory authority prohibits the delegation of tasks reserved to individuals licensed to practice medicine.</p>

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	<p>unauthorized persons to perform acts that can only be legally executed by authorized persons in the practice of medicine.”</p> <p>Medical Discipline and Licensure Board Act No.139 (2008), Section 26, subsection (e)(14)(9)</p>						
Rhode Island	<p>(+) Physicians, physician assistants and nurse practitioners are permitted to prescribe prescription drugs to a patient's sexual partner or partners for the treatment of the sexually transmitted chlamydia or gonorrhea infection without an examination of the sexual partner or partners. Rhode Island Public Law No. 175</p>					<p>(-) Prescription order must bear patient's name and address. R.I. Gen. Laws § 21-31-2.</p> <p>(-) Prescription label must bear patient's name, R.I. Gen. Laws § 21-31-15.</p>	<p>✓ EPT is permissible. Statutory authority expressly authorizes EPT for the treatment of chlamydia and gonorrhea.</p>

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South Carolina	(-) "It is unprofessional conduct for a physician to prescribe drugs to an individual without establishing a proper physician-patient relationship. A proper relationship, at a minimum, requires that the physician make an informed medical judgment based on the circumstances of the situation and on his/her training and experience. This will require that the physician: (1) Personally perform an appropriate history and physical examination, make a diagnosis, and formulate a therapeutic plan. . . ; (2) Discuss with the patient the diagnosis and the evidence for it, and the risks and benefits of various	(-) Revocation of physician's license upheld based on Board's finding (among other charges) that physician wrote prescriptions outside of physician-patient relationship. Gale v. State Bd. of Med. Examiners, 320 S.E.2d 35 (S.C. Ct. App. 1984).	(+) It is the position of the South Carolina Board of Medical Examiners that Expedited Partner Therapy treatment of STDs should be used "in accordance with the most current established guidelines as published by these organizations, even in the absence of a previously-established patient-physician relationship." South Carolina Board of Medical Examiners Post Exposure Prophylaxis Policy . The "Post Exposure Prophylaxis Policy" states that EPT is "recommended by numerous medical professional and public health organizations . . . to protect specific persons from acquiring contagious/communicable diseases from close contact with infected persons."		(+) Regulations incorporated by reference include but are not limited to: (1) APHA's CCD Manual, most current edition; (2) AAP's "Red Book," most current edition; and (3) when necessary, the health department shall adopt other accepted national public health recommendations such as CDC guidelines, or make other policies as needed. S.C. Code Ann. Regs. 61-20	(-) Prescription drug order requires full name and address of patient. S.C. Code Ann. § 40-43-86(E)(1) . However, prescription label need not bear patient's name unless the prescription order does so. S.C. Code Ann. § 39-23-50(b)(2) . (-) Pharmacists may compound medications for an individual patient based on the "existence of a pharmacist/patient/practitioner relationship and the presentation of a valid prescription...." S.C. Code Ann. § 40-43-86(CC)(2)(b)	✓ EPT is permissible. The Medical Board has expressly supported EPT and deems it an acceptable practice in accordance with established guidelines.

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	treatment options; and (3) Insure the availability of the physician or coverage for the patient for appropriate follow-up care. C. Prescribing drugs to individuals the physician has never met based solely on answers to a set of questions, as is common in Internet or telephone prescribing, is inappropriate and unprofessional." S.C. Code Ann. Regs. 81-28						
South Dakota					(+) The "methods of control" or "control measures" section of one of the following guidelines are incorporated by reference: (1) APHA's CCD Manual, 18th edition, 2004; or	(-) "Legend drug to be dispensed by prescription only -- Refill restricted. A pharmacist may only dispense a legend drug or medicine pursuant to the written or oral prescription of a practitioner licensed to prescribe drugs and medicines." S.D. Admin. R. 20:51:05:20	~ EPT is potentially allowable. There is no statutory authority, case law or medical board opinion that precludes EPT. Rather, the state has incorporated by reference guidelines that may allow EPT

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					(2) AAP's "Red Book", 26th edition, 2003, (3) CDC STD Treatment Guidelines, 2006, vol. 55 S.D. Admin. R. 44:20:03:01.		for the treatment of specific conditions.
Tennessee	(+) EPT by physicians authorized for chlamydia only. Tenn. Comp. R. & Regs. 1050-2-.13 (9)(d), 0880-2-.14(9) (-) Nurses practicing at primary health centers shall not issue drugs for treatment of STDs without prior examination by physician. Tenn. Code Ann. § 63-7-124(c) (for all other STDs). (+) For the treatment of Chlamydia trachomatis, physicians may provide "an effective						✓ EPT is permissible. Statutory authority allows EPT for the treatment of Chlamydia and is supported by medical board rules recognizing the need to treat the sexual partners of patients.

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	<p>and safe treatment to the partners of patients infected with Ct who for various reasons may not otherwise receive appropriate treatment." As such, physicians may "provide to the treated patient non-named signed prescriptions, or dispense to the patient, the appropriate quantity and strength of azithromycin sufficient to provide curative treatment for the total number of unnamed 'partners' as defined in subparagraph (b) and indicated by the patient."</p> <p>Rule 0880-2.14(9)(a)-(d) of the Tenn. State Board of Medical Examiners</p>						

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Texas	<p>(+) "...establishing a professional relationship is not required for a physician to prescribe medications for sexually transmitted diseases for partners of the physician's established patient, if the physician determines that the patient may have been infected with a sexually transmitted disease." 22 Tex. Admin. Code §190.8(1)(L)(iii)</p> <p>(+) "An advanced practice registered nurse may prescribe medications for sexually transmitted diseases for partners of an established patient, if the advanced practice registered nurse assesses the patient and determines that</p>					<p>(+) Subsection (a) does not prohibit a pharmacist from dispensing a prescription when a valid practitioner-patient relationship is not present in an emergency. Tex. Occ. Code Ann. § 562.056a</p> <p>(-) Prescription must bear patient's name and address. Tex. Occ. Code Ann. § 157.056 , 563.052 ; see also § 164.054 (2)</p> <p>(-) "A pharmacist may not dispense a prescription drug if the pharmacist knows or should have known that the prescription was issued...without a valid patient-practitioner relationship."</p> <p>Tex. Occ. Code Ann. § 562.056a</p>	<p>✓ EPT is permissible..</p> <p>Administrative regulations do not require a physician-patient relationship that would otherwise preclude EPT. Lack of contrary statutory or regulatory provisions suggests that EPT is permissible.</p>

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	the patient may have been infected with a sexually transmitted disease. Nothing in this subsection shall be construed to require the advanced practice registered nurse to issue prescriptions for partners of patients.” 22 Tex. Admin. Code § 222.4(e)						
Utah	(+) The Pharmacy Privacy Act is amended to provide an option for physicians to use expedited partner therapy and "excludes from the definition of unprofessional conduct and unlawful conduct under the Division of Occupational and Professional Licensing, issuing a prescription for an antibiotic to an		(+) Dentist may prescribe fluoride to schoolchildren without prior examination if he has sufficient contact to ascertain general amount of fluoride in drinking water. Furthermore, “[i]t is not necessary for the existence of a practitioner-patient relationship that the patient has previously undergone treatment by the practitioner nor that the patient has a continuing relationship with the practitioner.” Utah Op. Att’y Gen. No. 77-017 (1977).		(+) Regulations incorporate by reference: APHA’s CCD Manual, 17th ed., 2000; AAP Red Book, 26 th Ed. 2003. Utah Admin. Code r. 386-702.	(-) Prescription order must include patient’s name and address. Prescription label must bear patient’s name. Utah Code Ann. § 58-17b-602 . (+) A health department may implement the prescription procedure under Subsection (3) for prescription drugs, other than controlled substances, for use in clinics providing: (a) sexually transmitted disease treatment; (b) fluoride treatment; or (c)	✓ EPT is permissible. Statutory authority expressly allows for anonymous STD treatment. An attorney general opinion allows for third-party prescriptions without prior physical examination. EPT, however is only allowed for the treatment of STDs

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	<p>unnamed partner of a person who has any one of certain designated sexually transmitted disease." Utah Code Ann. § 58-1-501.3</p> <p>(+) Health Department may authorize physician to write standing order prescriptions without patient name or date for treatment of STDs to be filled out and delivered to patient by nurse. Utah Code Ann. § 58-17b-620 .</p>					<p>travel immunization. [Subsection 3 provides that] the following prescription procedure shall be carried out...: (a) a physician writes and signs a prescription for prescription drugs, other than controlled substances, without the name and address of the patient and without the date the prescription is provided to the patient; and (b) the physician authorizes a registered nurse...to complete the prescription written ... by inserting the patient's name and address, and the date the prescription is provided to the patient, in accordance with the physician's standing written orders and a written health department protocol approved by the physician and the medical director of the state Department of Health.</p> <p>Utah Code Ann. § 58-17b-620(2)-(4)</p> <p>(-) It is considered unlawful conduct for a pharmacist to</p>	<p>and cases recognized by official opinions. Outside these cases, it is unlawful for a pharmacist to dispense drugs for anyone who does not have a prescription.</p>

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						<p>dispense a prescription drug "to anyone who does not have a prescription from a practitioner...."</p> <p>Utah Code Ann. § 58-17b-501(10)</p>	
Vermont	<p>(-) All suspected cases of an infectious venereal disease must be examined by a physician licensed to practice within the state. Vt. Stat. Ann. tit. 18, § 1093 .</p> <p>(+) Individuals licensed to practice medicine, certified as a physician's assistant, or licensed to practice nursing may practice EPT for the treatment of chlamydia.</p> <p>Vt. Stat. Ann. tit 26, § 1369 .</p>					<p>(-) Prescription order and label must bear the full name and address of patient. Vt. Stat. Ann. tit. 18, §§ 4201(26), 4212 (c) .</p>	<p>✓ EPT is permissible.</p> <p>Statutory authority expressly authorizes EPT for the treatment of chlamydia.</p>

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Virginia			<p>(-) "Women's Health Nurse Practitioners who treat male [partners] for STDs must have authorization for and have received specific training in such practice, as documented in the written protocol between the nurse practitioner and the supervising physician. In addition, any prescription written for STDs shall be issued for a medicinal therapeutic purpose to a person with whom the practitioner has a bona fide practitioner-patient relationship...."</p> <p>[Link to Boards of Nursing and Medicine Guidance Document]</p>	<p>(+) House Bill No. 2083 states "[A] bona fide practitioner-patient relationship means that the practitioner shall . . . perform or have performed an appropriate examination of the patient . . . except for . . . where the practitioner is a Department of Health clinician and is providing expedited partner therapy, as defined by the Department of Health and consistent with the</p>	<p>(+) "Regulations incorporate, but are not limited to: APHA's CCD Manual, 18th edition, 2004, "Methods of Control" sections. The board and commissioner reserve the right to use any legal means to control any disease which is a threat to the public health."</p> <p>12 Va. Admin. Code § 5-90-100</p>	<p>(-) The prescription shall contain the patient's name and address. Va. Code Ann. § 54.1-3408.01(A)</p>	<p>~ EPT is potentially allowable</p> <p>The Board of Nursing and Medicine opinion requires a "bona fide practitioner-patient relationship," although this term is only defined in statutes relating to the regulation of controlled substances under Va. Code Ann. § 54.1-3303(A). Absent an express statutory preclusion, the health board and commissioner may exercise their authority to proffer EPT as a potential measure to treat diseases (like STDs) that pose a threat to the</p>

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				recommendations of the Centers for Disease Control and Prevention, to individuals over the age of 18 for confirmed or suspected cases of chlamydia or gonorrhea.”			public's health.
Washington	(-) State and local health officers and their authorized representatives may issue written orders for treatment only after laboratory test results or direct observation of clinical signs or assessment of clinical data by a physician confirm the individual has, or is likely to have, a STD. Wash. Admin. Code § 246-100-203.		(+) The Medical Commission “recognizes that it is a common practice for health care practitioners to provide antibiotics for the partner(s) without prior examination. While not ideal in terms of diagnosis and control of Chlamydia and gonorrhea, the Medical Commission recognizes that this is often the only reasonable way to access and treat the partner(s) and impact the personal and public health risks of chlamydial and gonorrheal infections.” MD2003-04		(+) Regulations authorize local health officers to incorporate by reference: APHA's CCD Manual, 17th edition, 2000, or other measures s/he deems necessary based on his or her professional judgment, current standards of practice and the best available	(+) When practitioner dispenses drugs, prescription label must bear patient's name, although name and dosage of drug may be removed if physician determines necessary. Wash. Rev. Code § 69.41.050. (-) A health care entity may only administer, dispense, or deliver legend drugs and controlled substances to patients who receive care within the health care entity and in compliance with rules of the board. Nothing in this	✓ EPT is permissible. Statutory laws do not require a physician-patient relationship that would otherwise preclude EPT. The opinions of the Medical Commission and Medical Ass'n House of Delegates clearly favor the use of EPT, which

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			[Link to Commission opinion] (+) The Washington State Medical Ass'n House of Delegates passed a Resolution concerning patient-delivered partner therapy for curable STDs and recommended that "the provider should inform the patient that it would be best to have all partners exposed during the previous 60 days come into a clinic for examination, testing and treatment. However, if treatment is not otherwise assured, the patient should be provided antibiotics for their partners." [Link to Resolution]		medical and scientific information. Wash. Admin. Code § 246-100-036. (+) Patients diagnosed with reportable STDs are monitored for quality of services using CDC Treatment Guidelines as the "standard of care." [Link to Dept of Health]	subsection shall prohibit a practitioner, in carrying out his or her licensed responsibilities within a health care entity, from dispensing or delivering to a patient of the health care entity drugs for that patient's personal use in an amount not to exceed seventy-two hours of usage. Rev. Code Wash. (ARCW) § 18.64.450(4)	is further supported by local health officers' authority to incorporate standards of practice (e.g., CDC STD Treatment Guidelines) that may allow EPT for the treatment of particular diseases.
West Virginia	(-) W.Va. regulation defines as unprofessional conduct: "A practice of providing treatment recommendations relating to issuing prescriptions, via electronic or other means, for persons without establishing an on-going					(-) Labels for legend drugs dispensed by a physician must contain patient's name. W. Va. Code R. § 11-5-8.3(b). (-) Pharmacists are prohibited from dispensing prescription orders when s/he has knowledge that the prescription was issued without a physician-patient relationship. W. Va. Code §	✗ EPT is likely prohibited. Statutory authority requires a physician patient relationship prior to prescribing medications. Pharmacists are also precluded from dispensing drugs

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	physician-patient relationship wherein the physician has obtained information adequate to support the prescription." 11 CSR Reg. 1A-12.2(k) .					30-5-3 (g) . (-) Pharmacists, druggists, and any other non-physician are prohibited from dispensing, selling, distributing, or prescribing medication for the treatment of STDs without a written prescription or order from a licensed physician and the order is written for the person for whom the prescription is intended. W. Va. Code § 16-4-24	where the intended recipient is not the patient identified on the prescription.
Wisconsin	(+) "[A] physician, physician assistant, or certified advanced practice nurse prescriber may provide expedited partner therapy if the patient is diagnosed as infected with a chlamydial infection, gonorrhea, or trichomoniasis and the patient has had sexual contact with a sexual partner during which the chlamydial infection, gonorrhea,		(+) The Wisconsin Medical Examining Board recognizes the CDC guidelines for the practice of EPT and supports the passage of legislative authority to expressly authorize the provision of EPT treatment by licensed physicians in Wisconsin. [Link to Medical Examining Board Opinion]		(+) Regulations incorporated by reference include DHHS' STD Treatment Guidelines, 1998. Specific medical treatment shall be prescribed by a physician or advanced practice nurse prescriber. Wis. Admin. Code DHS§ 145.22 .	(+) "A pharmacist may, upon the prescription order of a practitioner providing expedited partner therapy, as specified in s. 448.035, that complies with the requirements of sub. (1), dispense an antimicrobial drug as a course of therapy for treatment of chlamydial infections, gonorrhea, or trichomoniasis to the practitioner's patient or a person with whom the patient has had sexual contact for use by the person with whom the patient has had sexual	✓ EPT is permissible. Statutory authority expressly authorizes EPT for the treatment of chlamydia, gonorrhea, and trichomoniasis and is supported by the Wisconsin Medical Examining Board.

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	or trichomoniasis may have been transmitted to or from the sexual partner." Wis. Stat. § 448.035(2)					contact." Wis. Stat. § 450.11(1g)(b) (+) A prescription order for an antimicrobial drug prepared under this subsection shall include the name and address of the patient's sexual partner, if known. Wis. Stat. § 448.035(2)	
Wyoming	(+) Physician, health officer, or other person or facility providing health care may administer treatment to any person reasonably suspected of being infected or exposed to an STD. Wy. Stat. § 35-4-131.						✓ EPT is permissible. Statutory authority expressly allows for the treatment of "any person" suspected of being infected or exposed to an STD. Treatment does not require a physician patient relationship or a physical exam prior to prescribing a medication.

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SUMMARY TOTALS	<p>(+) 27 states feature one or more laws that permit or may facilitate certain health care practitioners to practice EPT. (+) Maryland permits EPT in Baltimore on a pilot basis.</p> <p>(-) 24 states feature one or more laws that may limit the ability of some health care practitioners to conduct EPT.</p>	<p>(-) 6 states feature one or more judicial decisions that disallow prescriptions to persons without a physical examination or physician-patient relationship.</p>	<p>(+) 13 states feature an agency opinion that supports EPT or like practices.</p> <p>(-) 13 states feature agency opinions that tend to prohibit EPT or like practices.</p>	<p>(+) 1 state features proposed legislative bills to authorize EPT (2011 legislative session): Virginia</p> <p>(+) 5 states have attempted to pass legislation, in previous sessions, to authorize EPT: Connecticut, Montana, Nebraska, Nevada, and Oklahoma</p>	<p>(+) 9 states have incorporated via reference CDC's STD Treatment Guidelines.</p> <p>(+) 13 states have incorporated via reference APHA's CCD Manual.</p> <p>(+) 5 states have incorporated via reference the AAP Red Book.</p> <p>(+) 6 states have incorporated via reference other guidelines or recommendations.</p>	<p>(-) 36 states feature laws that require some patient identifying information on the prescription order or label.</p> <p>(+) 9 states' laws do not require patient identifying information on prescription order or label.</p> <p>(-) 13 states have statutory provisions prohibiting pharmacists from dispensing medications to individuals who have not undergone a physical examination, failed to establish a physician-patient relationship, or who are not the ultimate user (i.e., a third-party) pursuant to a valid prescription.</p>	<p>(✓) EPT is permissible in 30 states and Baltimore, MD.</p> <p>(~) EPT is potentially possible in 13 states, the District of Columbia and Puerto Rico.</p> <p>(✗) EPT is likely prohibited in 7 states.</p>