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FISCAL IMPACT REPORT

ORIGINAL DATE 2/16/2007

SPONSOR Harrison LAST UPDATED _____ HB 1202

SHORT TITLE Disease Treatment without Evaluation SB _____

ANALYST Moser

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
NM Medical Board

SUMMARY

Synopsis of Bill

House Bill 1202 proposes to amend the NM Drug, Device and Cosmetic Act to allow health care practitioners to prescribe or dispense controlled substances to the sex partner of a person with a sexually transmitted disease without a valid practitioner-patient relationship or medical evaluation. The NM Medical Board would be responsible for promulgating rules to implement this change, including identification of the diseases that may be treated.

SIGNIFICANT ISSUES

The medical board advises that Expedited Partner Therapy (EPT) is widely acknowledged as an efficient and effective way to address the public health concerns posed by sexually transmitted diseases. When a patient with a sexually transmitted disease presents to a health care practitioner for treatment, it often does little good to treat only the patient, who may then return to a sex partner or partners who simply re-infect them. Health care practitioners with experience in this area know that women are often more willing to seek treatment than their male partners, and the option of treating the woman patient and then sending medication home for her male partner is an effective form of addressing the problem.

Because EPT is such a relatively safe exception to the requirement for a physician-patient relationship, the Medical Board recently adopted a rule change that allows treatment of partners of patients with sexually transmitted diseases, in the absence of a physician-patient relationship with the partner, when the treatment is conducted in accordance with the Expedited Partner Therapy guidelines and protocol published by the NM Department of Health.

One concern of the medical board is that HB 1202 tasks the Board with promulgating rules to implement the bill, but the Board of Nursing also has licensed practitioners who may find themselves in the same situation – faced with a patient with an STD and in need of prescribing medication for that patient’s sex partner(s). The medical board proposes an amendment below.

ADMINISTRATIVE IMPLICATIONS

HB 1202 would require some re-working of Medical Board rules regarding EPT to include identification of the diseases in question.

TECHNICAL ISSUES

The medical board indicates that the wording proposed by HB1202 is missing any reference to the underlying practitioner-patient relationship that must exist with the patient whose partner is being treated. HB 1202 refers to the “sex partner of a person with a sexually transmitted disease,” when it surely means to refer to the “sex partner of a patient with a sexually transmitted disease.” See proposed amendment below.

OTHER SUBSTANTIVE ISSUES

AMENDMENTS

Page 3, line 2: strike “person” and insert “patient.”

Page 3, line 5: before the word “shall,” insert “and the New Mexico board of nursing.”

GM/nt