Exhibit E

INTERIM STUDY PROPOSAL 2019-174

State of Arkansas
92nd General Assembly
Second Extraordinary Session, 2020

A Bill

JMB/JMB
HOUSE BILL

By: Representative Love

Filed with: House Committee on Public Health, Welfare, and Labor pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO AUTHORIZE PHARMACISTS TO DISPENSE HIV PREEXPOSURE AND POSTEXPOSURE PROPHYLAXIS; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE PHARMACISTS TO DISPENSE HIV PREEXPOSURE AND POSTEXPOSURE PROPHYLAXIS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-92-101(17)(A)(i)(h), concerning the definition of the "practice of pharmacy", is amended to read as follows:

(h) Under a statewide protocol, a pharmacist may initiate therapy and administer or dispense, or both, drugs that include Naloxone, ~~and~~ nicotine replacement therapy products, HIV preexposure prophylaxis, and HIV postexposure prophylaxis;

SECTION 2. Arkansas Code § 17-92-101, concerning definitions regarding pharmacy and pharmacists, is amended to add an additional subdivision to read as follows:

(26) "HIV" means the human immunodeficiency virus or any other identified causative agent of acquired immunodeficiency syndrome (AIDS);

SECTION 2. Arkansas Code § 17-92-115 is amended to read as follows:

17-92-115. Requirements for administering and dispensing under statewide protocol.

(a) When initiating therapy and administering or dispensing, or both, under a statewide protocol, a pharmacist shall:

(1) Notify the primary care provider of the patient of any drug or device furnished to the patient or enter the appropriate information in a patient record system shared with the primary care provider, as permitted by the primary care provider;

(2) Provide the patient with a written record of the drugs or devices furnished and advise the patient to consult a physician of the patient's choice, if the patient does not have a primary care provider; and

(3)(A) Make a standardized fact sheet available to the recipient of the drug or device.

(B) The standardized fact sheet shall include without limitation:

(i) The indications and contraindications for the use of the drug or device;

(ii) The appropriate method for the use of the drug or device;

(iii) The need for medical follow-up; and

(iv) Other appropriate information.

(b)(1) In addition to the requirements under subsection (a) of this section, when initiating therapy and administering or dispensing, or both, for HIV preexposure prophylaxis or HIV postexposure prophylaxis, or both, under a statewide protocol, a pharmacist shall:

(A) Within twelve (12) months of initiating therapy and administering or dispensing, or both, complete a training program approved by the Arkansas State Board of Pharmacy on the use of HIV preexposure prophylaxis and HIV postexposure prophylaxis, which shall include information about:

(i) Financial assistance programs for HIV preexposure prophylaxis and HIV postexposure prophylaxis; and

(ii) Relevant federal guidelines regarding HIV preexposure prophylaxis and HIV postexposure prophylaxis; and

(B) Not permit a patient to waive consultation for HIV preexposure prophylaxis or HIV postexposure prophylaxis.

(2) Under a statewide protocol, a pharmacist shall dispense at least a thirty-day supply and up to a sixty-day supply of HIV preexposure prophylaxis if:

(A)(i) The patient is HIV negative as documented by a negative HIV test result obtained within the previous seven (7) days from:

(a) An HIV antigen/antibody test;

(b) An HIV antibody-only test; or

(c) A rapid, point-of-care fingerstick blood test approved by the United States Food and Drug Administration.

(ii) If the test results are not transmitted directly to the pharmacist, the pharmacist shall verify the test results.

(iii) If the patient tests positive for HIV infection, the pharmacist shall direct the patient to a primary care provider and provide a list of providers and clinics in the region;

(B) The patient does not report:

(i) Any signs or symptoms of acute HIV infection on a self-reported checklist of acute HIV infection signs and symptoms; and

(ii) Usage of any contraindicated medication;

(C) The pharmacist provides counseling to the patient on the ongoing use of HIV preexposure prophylaxis, which shall include education about:

(i) Side effects;

(ii) Safety during pregnancy and breastfeeding;

(iii) Adherence to recommended dosing;

(iv) The importance of timely testing and treatment for HIV, renal function, hepatitis B, hepatitis C, sexually transmitted diseases, and pregnancy for individuals of childbearing capacity; and

(v) The requirement that subsequent prescriptions for HIV preexposure prophylaxis be issued by a primary care provider; and

(D) To the extent possible, the pharmacist documents the services provided by the pharmacist in the record system.

(3) Under a statewide protocol, a pharmacist shall dispense a course of HIV postexposure prophylaxis if the pharmacist:

(A) Screens the patient and determines the exposure to HIV occurred within the previous seventy-two (72) hours and the patient otherwise meets the clinical criteria for HIV postexposure prophylaxis;

(B) Provides HIV testing or determines the patient is:

(i) Willing to undergo HIV testing consistent with federal guidelines; or

(ii) Unwilling to undergo HIV testing but otherwise eligible for HIV postexposure prophylaxis;

(C) Provides counseling to the patient on the ongoing use of HIV postexposure prophylaxis, which shall include education about:

(i) Side effects;

(ii) Safety during pregnancy and breastfeeding;

(iii) Adherence to recommended dosing;

(iv) The importance of timely testing and treatment for HIV, renal function, hepatitis B, hepatitis C, sexually transmitted diseases, and pregnancy for individuals of childbearing capacity; and

(v) The availability of HIV preexposure prophylaxis for a person who is at a substantial risk of acquiring HIV; and

(D) To the extent possible, documents the services provided by the pharmacist in the record system.

SECTION 3. Arkansas Code § 23-92-506(b)(6) and (7), concerning prohibited practices of a pharmacy benefits manager, are amended to read as follows:

(6) Make or permit any reduction of payment for pharmacist services by a pharmacy benefits manager or a healthcare insurer directly or indirectly to a pharmacy under a reconciliation process to an effective rate of reimbursement, including without limitation generic effective rates, brand effective rates, direct and indirect remuneration fees, or any other reduction or aggregate reduction of payment; ~~or~~

(7)(A) Prohibit a pharmacist from dispensing HIV preexposure prophylaxis or HIV postexposure prophylaxis under a state protocol.

(B) As used in subdivision (b)(7) of this section, "HIV" means the human immunodeficiency virus or any other identified causative agent of acquired immunodeficiency syndrome (AIDS); or

~~(7)~~(8) Do any combination of the actions listed in subdivisions ~~(b)(1)-(6)~~(b)(1)-(7) of this section.

SECTION 4. Arkansas Code Title 23, Chapter 99, Subchapter 11, is amended to add an additional section to read as follows:

23-99-1120. HIV preexposure prophylaxis and HIV postexposure prophylaxis.

(a) As used in this section:

(1) "AIDS" means acquired immunodeficiency syndrome; and

(2) "HIV" means the human immunodeficiency virus or any other identified causative agent of acquired immunodeficiency syndrome.

(b) Except as provided in subsection (c) of this section, a health benefit plan or healthcare insurer shall not require prior authorization or step therapy for antiretroviral drugs that are medically necessary for the prevention of HIV or AIDS, including HIV preexposure prophylaxis and HIV postexposure prophylaxis.

(c) If the United States Food and Drug Administration approves one (1) or more therapeutic equivalents of a drug, device, or product for the prevention of HIV or AIDS, a health benefit plan or healthcare insurer is not required to cover all therapeutically equivalent versions without prior authorization or step therapy if at least one (1) therapeutically equivalent version is covered without prior authorization or step therapy.

Referred by Representative Love

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