

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:

1 17-92-115. Requirements for administering and dispensing under
2 statewide protocol.

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

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

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

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

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

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

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

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

21 (iv) Other appropriate information.

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

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

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

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

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

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

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

6 (a) An HIV antigen/antibody test;

7 (b) An HIV antibody-only test; or

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

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

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

15 (B) The patient does not report:

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

18 (ii) Usage of any contraindicated medication;

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

22 (i) Side effects;

23 (ii) Safety during pregnancy and breastfeeding;

24 (iii) Adherence to recommended dosing;

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

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

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

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

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

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

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

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

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

8 (i) Side effects;

9 (ii) Safety during pregnancy and breastfeeding;

10 (iii) Adherence to recommended dosing;

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

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

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

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

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

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

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

33 ~~(7)(8)~~ Do any combination of the actions listed in subdivisions
34 ~~(b)(1)-(6)~~(b)(1)-(7) of this section.

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

3 23-99-1120. HIV preexposure prophylaxis and HIV postexposure
4 prophylaxis.

5 (a) As used in this section:

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

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

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

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

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21
22 Referred by Representative Love

23 Prepared by: JMB/JMB
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