

INTERIM STUDY PROPOSAL 2021-104

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

JMB/JMB
HOUSE BILL

By: Representative Pilkington

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)(g), concerning the
definition of "practice of pharmacy", is amended to read as follows:

(g) Under a statewide protocol, a pharmacist
may initiate therapy and administer or dispense, or both, drugs that include
Naloxone, nicotine replacement therapy products, ~~and~~ oral contraceptives, 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).

1 SECTION 3. Arkansas Code § 17-92-115, concerning the requirements for
2 administering and dispensing under a statewide protocol, is amended to add an
3 additional subsection to read as follows:

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

8 (A) Within twelve (12) months of initiating therapy and
9 administering or dispensing, or both, complete a training program approved by
10 the board on the use of HIV preexposure prophylaxis and HIV postexposure
11 prophylaxis, which shall include information about:

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

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

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

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

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

23 (a) An HIV antigen/antibody test;

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

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

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

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

32 (B) The patient does not report:

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

35 (ii) Usage of any contraindicated medication;

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

- 4 (i) Side effects;
- 5 (ii) Safety during pregnancy and breastfeeding;
- 6 (iii) Adherence to recommended dosing;
- 7 (iv) The importance of timely testing and treatment
8 for HIV, renal function, hepatitis B, hepatitis C, sexually transmitted
9 diseases, and pregnancy for individuals of childbearing capacity; and
10 (v) The requirement that subsequent prescriptions
11 for HIV preexposure prophylaxis be issued by a primary care provider; and

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

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

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

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

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

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

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

- 26 (i) Side effects;
- 27 (ii) Safety during pregnancy and breastfeeding;
- 28 (iii) Adherence to recommended dosing;
- 29 (iv) The importance of timely testing and treatment
30 for HIV, renal function, hepatitis B, hepatitis C, sexually transmitted
31 diseases, and pregnancy for individuals of childbearing capacity; and
32 (v) The availability of HIV preexposure prophylaxis
33 for a person who is at a substantial risk of acquiring HIV; and

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

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1 SECTION 4. Arkansas Code § 23-92-506(b)(6) and (7), concerning
 2 prohibited practices of a pharmacy benefits manager, are amended to read as
 3 follows:

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

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

12 (B) As used in subdivision (b)(7)(A) of this section,
 13 "HIV" means the human immunodeficiency virus or any other identified
 14 causative agent of acquired immunodeficiency syndrome, commonly known as
 15 "AIDS"; or

16 ~~(7)(8)~~ Do any combination of the actions listed in subdivisions
 17 ~~(b)(1)-(6)(b)(1)-(7)~~ of this section.

18
 19 SECTION 5. Arkansas Code Title 23, Chapter 99, Subchapter 11, is
 20 amended to add an additional section to read as follows:

21 23-99-1120. HIV preexposure prophylaxis and HIV postexposure
 22 prophylaxis – Definitions.

23 (a) As used in this section:

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

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

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

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

1 version is covered without prior authorization or step therapy.

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4 Referred by Representative Pilkington

5 Prepared by: JMB/JMB

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