

2024 Regular Session

HOUSE BILL NO. 579

BY REPRESENTATIVE MCMAHEN

PHARMACISTS: Provides relative to pharmacist authorization to dispense HIV pre-exposure and post-exposure prophylaxis

1 AN ACT

2 To enact Subpart B-1 of Part IV of Chapter of 5-D of Title 40 of the Louisiana Revised  
3 Statutes of 1950, to be comprised of R.S. 40:1172.1 through 1172.3, relative to the  
4 dispensation of human immunodeficiency virus prophylaxis; to authorize  
5 pharmacists to dispense human immunodeficiency virus pre-exposure and  
6 post-exposure prophylaxis; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Subpart B-1 of Part IV of Chapter of 5-D of Title 40 of the Louisiana  
9 Revised Statutes of 1950, comprised of R.S. 40:1172.1 through 1172.3, is hereby enacted  
10 to read as follows:

11 SUBPART B-1. HUMAN IMMUNODEFICIENCY VIRUS PROPHYLAXIS

12 §1172.1. Definitions

13 For the purposes of this Subpart, the following terms have the meaning  
14 ascribed to them:

15 (1) "Board" means the Louisiana Board of Pharmacy.

16 (2) "Human immunodeficiency virus", hereinafter referred to as "HIV",  
17 means a virus that attacks the body's immune system which, if not treated, can  
18 develop into acquired immunodeficiency syndrome.

19 (3) "Post-exposure prophylaxis" means a prophylactic regimen that includes  
20 daily medication, regular counseling, and regular screening.

1           (4) "Pre-exposure prophylaxis" means an emergency regimen comprising  
2           highly active antiretroviral therapy with baseline and follow-up HIV testing, which  
3           should be used within a certain amount of time after potential exposure.

4           (5) "Treatment of HIV as prevention" means the early and sustained  
5           treatment of HIV-positive patients to achieve an undetectable viral load.

6           §1172.2. Pharmacist authority; statewide protocol

7           A. A pharmacist may initiate therapy and administer and dispense drugs,  
8           including human immunodeficiency virus (HIV) pre-exposure prophylaxis and HIV  
9           post-exposure prophylaxis, and order laboratory tests in conjunction with  
10           administering and dispensing the drugs pursuant to a statewide protocol developed  
11           by the board and adopted by administrative rule in accordance with this Section.

12           B.(1) The board shall promulgate administrative rules in accordance with the  
13           Administrative Procedure Act to implement the provisions of this Section, including  
14           rules that establish protocols for dispensing HIV pre-exposure prophylaxis and HIV  
15           post-exposure prophylaxis.

16           (2) The statewide protocol shall include particular terms and conditions  
17           relating to the testing, screening, and treatment for the pharmacist's training. At  
18           minimum, and in accordance with the protocol, a pharmacist shall do all of the  
19           following:

20           (a) Complete a training program approved by the board on the use of HIV  
21           pre-exposure prophylaxis and HIV post-exposure prophylaxis within twelve months  
22           of initiating therapy and administering, dispensing, or both , which shall include but  
23           not be limited to information about all of the following:

24           (i) Financial assistance programs for HIV pre-exposure prophylaxis and HIV  
25           post-exposure prophylaxis.

26           (ii) Relevant federal guidelines regarding HIV pre-exposure prophylaxis and  
27           HIV post-exposure prophylaxis.

28           (iii) Relevant guidelines regarding HIV pre-exposure prophylaxis and HIV  
29           postexposure prophylaxis for privately insured patients.

1           (iv) Relevant guidelines regarding HIV pre-exposure prophylaxis and HIV  
2           post-exposure prophylaxis for uninsured patients.

3           (b) Screen the patient and determine whether the exposure to HIV occurred  
4           within the previous seventy-two hours and that the patient otherwise meets the  
5           clinical criteria for HIV post-exposure prophylaxis.

6           (c) Provide HIV testing and determine whether the patient is either of the  
7           following:

8           (i) Willing to undergo HIV testing consistent with federal guidelines.

9           (ii) Unwilling to undergo HIV testing but otherwise eligible for HIV post-  
10          exposure prophylaxis.

11          (d) Provide counseling to the patient on the ongoing use of HIV post-  
12          exposure prophylaxis, which shall include but not be limited to education about all  
13          of the following:

14          (i) Side effects.

15          (ii) Safety during pregnancy and breastfeeding.

16          (iii) Adherence to recommended dosing.

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

20          (v) The availability of HIV preexposure prophylaxis for a person who is at  
21          a substantial risk of acquiring HIV.

22          (3) The statewide protocol developed by the board and adopted by  
23          administrative rule shall include procedures for the timely notification of the patient's  
24          medical home of the services provided, or when a patient does not have a medical  
25          home, documentation of a good faith effort to refer the patient to a medical home.

26          §1172.3. Reimbursement parity for pharmacists

27          A pharmacist authorized to provide a service relative to HIV pre-exposure  
28          and post-exposure prophylaxis shall be reimbursed at the same rate as any other  
29          participating healthcare provider providing such service, which includes but is not

1           limited to any physician licensed in accordance with R.S. 37:1262, any physician  
 2           assistant licensed in accordance with R.S. 37:1360.22, or any advanced practice  
 3           registered nurse licensed in accordance with R.S. 37:913.

---

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HB 579 Original

2024 Regular Session

McMahan

**Abstract:** Authorizes pharmacists to dispense HIV pre-exposure and post-exposure prophylaxis.

Proposed law defines "board", "human immunodeficiency virus", "post-exposure prophylaxis", "pre-exposure prophylaxis", and "treatment of HIV as prevention".

Proposed law provides that a pharmacist may initiate therapy and administer and dispense drugs, including HIV pre-exposure prophylaxis and HIV post-exposure prophylaxis, and order laboratory tests in conjunction with administering and dispensing the drugs pursuant to a statewide protocol.

Proposed law requires the board to promulgate administrative rules in accordance with the Administrative Procedure Act to implement the provisions of proposed law, including rules that establish protocols for dispensing HIV pre-exposure prophylaxis and HIV post-exposure prophylaxis.

Proposed law requires certain terms and conditions, at minimum, to be included in the statewide protocol. Proposed law further requires a pharmacist to do all of the following:

- (1) Complete a training program approved by the board on the use of HIV pre-exposure prophylaxis and HIV post-exposure prophylaxis within 12 months of initiating therapy and administering, dispensing, or both.
- (2) Screen the patient and determine whether the exposure to HIV occurred within the previous 72 hours and whether the patient otherwise meets the clinical criteria for HIV post-exposure prophylaxis.
- (3) Provide HIV testing and determine whether the patient is willing to undergo such testing.
- (4) Provide counseling to the patient on the ongoing use of HIV post-exposure prophylaxis.

Proposed law requires reimbursement for any pharmacist authorized to provide a service relative to HIV pre-exposure and post-exposure prophylaxis. Such reimbursement shall be done at the same rate as any other participating healthcare provider providing such service, including but not limited to any physician licensed in accordance with present law, any physician assistant licensed in accordance with present law, or any advanced practice registered nurse licensed in accordance with present law.

(Adds R.S. 40:1172.1-1172.3)