

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; to require certain training; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

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

12 SUBPART B-1. HUMAN IMMUNODEFICIENCY VIRUS PROPHYLAXIS

13 §1172.1. Definitions

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

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

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

1 (3) "Post-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 (4) "Pre-exposure prophylaxis" means a prophylactic regimen that includes
5 medication, regular counseling, and regular screening.

6 §1172.2. Pharmacist authority; statewide protocol

7 A. A pharmacist may initiate therapy and administer and dispense drugs for
8 human immunodeficiency virus (HIV) pre-exposure prophylaxis and HIV post-
9 exposure prophylaxis and order laboratory tests in conjunction with administering
10 and dispensing the drugs pursuant to a statewide protocol developed by the board
11 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, which
14 shall establish protocols for dispensing HIV pre-exposure prophylaxis and HIV post-
15 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 prior to initiating
22 therapy, administering, dispensing, or participating in any other activities relating to
23 the statewide protocol provided in this Section, which shall include but not be limited
24 to information about all of the following:

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

27 (ii) Relevant strategies for care regarding HIV pre-exposure prophylaxis and
28 HIV post-exposure prophylaxis for privately insured patients.

1 (iii) Relevant strategies for care regarding HIV pre-exposure prophylaxis and
2 HIV post-exposure prophylaxis for uninsured patients.

3 (b) Document a focused assessment of the patient following best practices
4 and guidelines for preventing HIV.

5 (c) Document steps to obtain consent, order, process, evaluate, interpret, and
6 discuss results with patients of any laboratory tests listed in the protocol.

7 (d) Identify the nature and obligations for successful HIV pre-exposure
8 prophylaxis or HIV post-exposure prophylaxis, as required by the patient, and the
9 importance of timely testing for HIV and related complications and comorbid
10 conditions.

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

15 §1172.3. Reimbursement parity for pharmacists

16 A. A pharmacist authorized to provide a service relative to HIV pre-exposure
17 and post-exposure prophylaxis shall be reimbursed at the same rate as any other
18 participating healthcare provider providing such service, which includes but is not
19 limited to any physician licensed in accordance with R.S. 37:1262, any physician
20 assistant licensed in accordance with R.S. 37:1360.22, or any advanced practice
21 registered nurse licensed in accordance with R.S. 37:913.

22 B. This Section shall not be construed to require a health coverage plan or
23 a third-party administrator or pharmacy benefit manager to reimburse a pharmacist
24 or pharmacy as an in-network or a preferred provider.

25 C. The provisions of this Section shall apply to coverage under a group
26 health coverage plan provided to a resident of this state regardless of whether the
27 health coverage plan policy, contract, or other agreement is delivered, issued for
28 delivery, or renewed in this state.

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 Engrossed

2024 Regular Session

McMahon

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 complete a training program approved by the board on the use of HIV pre-exposure prophylaxis and HIV post-exposure prophylaxis prior to initiating therapy, administering, dispensing, or participating in any other activities relating to the statewide protocol provided in proposed law.

Proposed law requires the training program to include but not be limited to the following:

- (1) Financial assistance programs for HIV pre-exposure prophylaxis and HIV post-exposure prophylaxis.
- (2) Relevant strategies for care regarding HIV pre-exposure prophylaxis and HIV post-exposure prophylaxis for privately insured patients.
- (3) Relevant strategies for care regarding HIV pre-exposure prophylaxis and HIV post-exposure prophylaxis for uninsured patients.

Proposed law further requires a pharmacist to document a focused assessment of the patient following best practices and guidelines for preventing HIV and steps to obtain consent, order, process, evaluate, interpret, and discuss results with patients of any laboratory tests listed in the protocol.

Proposed law requires a pharmacist to identify the nature and obligations for successful HIV pre-exposure prophylaxis or HIV post-exposure prophylaxis, as required by the patient, and the importance of timely testing for HIV and related complications and comorbid conditions.

Proposed law further 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.

Proposed law provides that proposed law shall not be construed to require reimbursement from a health plan coverage or a third-party administrator or pharmacy benefit manager nor shall it be apply to coverage under a group health coverage plan to a resident of this state.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Revise the definitions of pre-exposure and post-exposure prophylaxis and remove the definition of "treatment as HIV as prevention".
2. Require completion of the training program prior to initiating therapy, administering, dispensing, or participating in any other activities related to the statewide protocol.
3. Remove the required training information and add relevant strategies for care for privately insured and uninsured patients.
4. Remove counseling provisions and require identification of the nature and obligations for successful HIV pre-and-post exposure prophylaxis.
5. Provide that proposed law shall not be construed to require reimbursement from a health plan coverage or a third-party administrator or pharmacy benefit manager nor shall it be apply to coverage under a group health coverage plan to a resident of this state.
6. Make technical corrections.