

1 State of Arkansas *As Engrossed: H2/14/23 H3/8/23*

2 94th General Assembly

A Bill

3 Regular Session, 2023

HOUSE BILL 1007

4

5 By: Representative Pilkington

6 By: Senator C. Penzo

7

8

For An Act To Be Entitled

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

12

13

14

Subtitle

15 TO AUTHORIZE PHARMACISTS TO DISPENSE HIV
16 PREEXPOSURE AND POSTEXPOSURE PROPHYLAXIS.

17

18

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

20

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

23

24 (g) Under a statewide protocol, a pharmacist
25 *may initiate* therapy and administer or dispense, or both, drugs that include
26 Naloxone, nicotine replacement therapy products, ~~and~~ oral contraceptives, HIV
preexposure prophylaxis, and HIV postexposure prophylaxis;

27

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

31

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

33

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



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

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

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

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

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

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

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

20 (a) An HIV antigen/antibody test;

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

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

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

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

29 (iv) If the patient does not provide evidence of a
30 negative HIV test, the pharmacist shall test and administer an HIV test and
31 interpret the test results;

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;

36 (C) The pharmacist provides counseling to the patient on

1 the ongoing use of HIV preexposure prophylaxis, which shall include education
2 about:

3 (i) Side effects;

4 (ii) Safety during pregnancy and breastfeeding;

5 (iii) Adherence to recommended dosing;

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

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

11 (D) To the extent possible, the pharmacist documents the
12 services provided by the pharmacist in the patient record system shared with
13 the primary care provider.

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

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

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

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

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

28 (i) Side effects;

29 (ii) Safety during pregnancy and breastfeeding;

30 (iii) Adherence to recommended dosing;

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

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

36 (D) To the extent possible, documents the services

1 provided by the pharmacist in the patient record system shared with the
2 primary care provider.

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

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

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

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

19 ~~(7)(8)~~ Do any combination of the actions listed in subdivisions
20 ~~(b)(1)-(6)~~(b)(1)-(7) of this section.

21
22 SECTION 5. Arkansas Code Title 23, Chapter 99, Subchapter 11, is
23 amended to add an additional section to read as follows:

24 23-99-1120. HIV preexposure prophylaxis and HIV postexposure
25 prophylaxis – Definitions.

26 (a) As used in this section:

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

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

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

35 (c) If the United States Food and Drug Administration approves one (1)
36 or more therapeutic equivalents of a drug, device, or product for the

1 prevention of HIV or AIDS, a health benefit plan or healthcare insurer is not
2 required to cover all therapeutically equivalent versions without prior
3 authorization or step therapy if at least one (1) therapeutically equivalent
4 version is covered without prior authorization or step therapy.

5
6 */s/Pilkington*

7
8
9 **APPROVED: 3/21/23**
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36