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**ENGROSSED SUBSTITUTE SENATE BILL 6127**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

**State of Washington                      68th Legislature                      2024 Regular Session**

**By** Senate Health & Long Term Care (originally sponsored by Senators Liias, Rivers, Muzzall, Randall, Frame, Hasegawa, Kuderer, Lovick, Nobles, and Pedersen)

READ FIRST TIME 01/29/24.

1            AN ACT Relating to increasing access to human immunodeficiency  
2 virus postexposure prophylaxis drugs or therapies; amending RCW  
3 70.41.480; reenacting and amending RCW 41.05.017; adding a new  
4 section to chapter 70.41 RCW; adding a new section to chapter 48.43  
5 RCW; adding a new section to chapter 74.09 RCW; and providing an  
6 effective date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 70.41  
9 RCW to read as follows:

10            (1) A hospital must adopt a policy and have procedures in place,  
11 that conform with the guidelines issued by the centers for disease  
12 control and prevention, for the dispensing of human immunodeficiency  
13 virus postexposure prophylaxis drugs or therapies.

14            (2) This policy must ensure that hospital staff dispense or  
15 deliver as defined in RCW 18.64.011 to a patient, with a patient's  
16 informed consent, a 28-day supply of human immunodeficiency virus  
17 postexposure prophylaxis drugs or therapies following the patient's  
18 possible exposure to human immunodeficiency virus, unless medically  
19 contraindicated, inconsistent with accepted standards of care, or  
20 inconsistent with centers for disease control and prevention  
21 guidelines. When available, hospitals shall dispense or deliver

1 generic human immunodeficiency virus postexposure prophylaxis drugs  
2 or therapies.

3 (3) Nothing in this section shall be construed to alter the  
4 coverage for reimbursement of postexposure prophylaxis drugs through:

5 (a) The crime victims' compensation program, established in  
6 chapter 7.68 RCW, for drugs dispensed or delivered to sexual assault  
7 victims; or

8 (b) The industrial insurance act for drugs dispensed or delivered  
9 to a worker exposed to the human immunodeficiency virus through the  
10 course of employment.

11 **Sec. 2.** RCW 70.41.480 and 2022 c 25 s 1 are each amended to read  
12 as follows:

13 (1) The legislature finds that high quality, safe, and  
14 compassionate health care services for patients of Washington state  
15 must be available at all times. The legislature further finds that  
16 there is a need for patients being released from hospital emergency  
17 departments to maintain access to emergency medications when  
18 community or hospital pharmacy services are not available, including  
19 medication for opioid overdose reversal and for the treatment for  
20 opioid use disorder as appropriate. It is the intent of the  
21 legislature to accomplish this objective by allowing practitioners  
22 with prescriptive authority to prescribe limited amounts of  
23 prepackaged emergency medications to patients being discharged from  
24 hospital emergency departments when access to community or outpatient  
25 hospital pharmacy services is not otherwise available.

26 (2) A hospital may allow a practitioner to prescribe prepackaged  
27 emergency medications and allow a practitioner or a registered nurse  
28 licensed under chapter 18.79 RCW to distribute prepackaged emergency  
29 medications to patients being discharged from a hospital emergency  
30 department in the following circumstances:

31 (a) During times when community or outpatient hospital pharmacy  
32 services are not available within 15 miles by road; ~~((or))~~

33 (b) When, in the judgment of the practitioner and consistent with  
34 hospital policies and procedures, a patient has no reasonable ability  
35 to reach the local community or outpatient pharmacy; or

36 (c) When a patient is identified as needing human  
37 immunodeficiency virus postexposure prophylaxis drugs or therapies.

38 (3) A hospital may only allow this practice if: The director of  
39 the hospital pharmacy, in collaboration with appropriate hospital

1 medical staff, develops policies and procedures regarding the  
2 following:

3 (a) Development of a list, preapproved by the pharmacy director,  
4 of the types of emergency medications to be prepackaged and  
5 distributed;

6 (b) Assurances that emergency medications to be prepackaged  
7 pursuant to this section are prepared by a pharmacist or under the  
8 supervision of a pharmacist licensed under chapter 18.64 RCW;

9 (c) Development of specific criteria under which emergency  
10 prepackaged medications may be prescribed and distributed consistent  
11 with the limitations of this section;

12 (d) Assurances that any practitioner authorized to prescribe  
13 prepackaged emergency medication or any nurse authorized to  
14 distribute prepackaged emergency medication is trained on the types  
15 of medications available and the circumstances under which they may  
16 be distributed;

17 (e) Procedures to require practitioners intending to prescribe  
18 prepackaged emergency medications pursuant to this section to  
19 maintain a valid prescription either in writing or electronically in  
20 the patient's records prior to a medication being distributed to a  
21 patient;

22 (f) Establishment of a limit of no more than a 48 hour supply of  
23 emergency medication as the maximum to be dispensed to a patient,  
24 except when community or hospital pharmacy services will not be  
25 available within 48 hours (~~(. In no case may the policy allow a supply~~  
26 ~~exceeding 96 hours be dispensed)), or when antibiotics or human  
27 immunodeficiency virus postexposure prophylaxis drugs or therapies  
28 are required;~~

29 (g) Assurances that prepackaged emergency medications will be  
30 kept in a secure location in or near the emergency department in such  
31 a manner as to preclude the necessity for entry into the pharmacy;  
32 and

33 (h) Assurances that nurses or practitioners will distribute  
34 prepackaged emergency medications to patients only after a  
35 practitioner has counseled the patient on the medication.

36 (4) The delivery of a single dose of medication for immediate  
37 administration to the patient is not subject to the requirements of  
38 this section.

1 (5) Nothing in this section restricts the authority of a  
2 practitioner in a hospital emergency department to distribute opioid  
3 overdose reversal medication under RCW 69.41.095.

4 (6) A practitioner or a nurse in a hospital emergency department  
5 must dispense or distribute opioid overdose reversal medication in  
6 compliance with RCW 70.41.485.

7 (7) For purposes of this section:

8 (a) "Emergency medication" means any medication commonly  
9 prescribed to emergency department patients, including those drugs,  
10 substances or immediate precursors listed in schedules II through V  
11 of the uniform controlled substances act, chapter 69.50 RCW, as now  
12 or hereafter amended.

13 (b) "Distribute" means the delivery of a drug or device other  
14 than by administering or dispensing.

15 (c) "Opioid overdose reversal medication" has the same meaning as  
16 provided in RCW 69.41.095.

17 (d) "Practitioner" means any person duly authorized by law or  
18 rule in the state of Washington to prescribe drugs as defined in RCW  
19 18.64.011(29).

20 (e) "Nurse" means a registered nurse or licensed practical nurse  
21 as defined in chapter 18.79 RCW.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 48.43  
23 RCW to read as follows:

24 (1) Except as provided in subsection (2) of this section, for  
25 nongrandfathered health plans issued or renewed on or after January  
26 1, 2025, a health carrier may not impose cost sharing or require  
27 prior authorization for the drugs that comprise at least one regimen  
28 recommended by the centers for disease control and prevention for  
29 human immunodeficiency virus postexposure prophylaxis.

30 (2) For a health plan that is offered as a qualifying health plan  
31 for a health savings account, the health carrier must establish the  
32 plan's cost sharing for the coverage required by this section at the  
33 minimum level necessary to preserve the enrollee's ability to claim  
34 tax exempt contributions and withdrawals from the enrollee's health  
35 savings account under the internal revenue service laws and  
36 regulations.

37 (3) Notwithstanding the coverage requirements of this section, a  
38 health plan shall reimburse a hospital that bills for a 28-day supply  
39 of any human immunodeficiency virus postexposure prophylaxis drugs or

1 therapies dispensed or delivered to a patient in the emergency  
2 department for take-home use, pursuant to section 1 of this act, as a  
3 separate reimbursable expense. This reimbursable expense is separate  
4 from any bundled payment for emergency department services.

5 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.09  
6 RCW to read as follows:

7 (1) The authority and all medicaid contracted managed care  
8 organizations shall provide coverage without prior authorization for  
9 the drugs that comprise at least one regimen recommended by the  
10 centers for disease control and prevention for human immunodeficiency  
11 virus postexposure prophylaxis.

12 (2) Notwithstanding the coverage requirements of this section,  
13 the authority or a medicaid contracted managed care organization  
14 shall reimburse a hospital that bills for a 28-day supply of any  
15 human immunodeficiency virus postexposure prophylaxis drugs or  
16 therapies dispensed or delivered to a patient in the emergency  
17 department for take-home use, pursuant to section 1 of this act, as a  
18 separate reimbursable expense. This reimbursable expense is separate  
19 from any bundled payment for emergency department services.

20 **Sec. 5.** RCW 41.05.017 and 2022 c 236 s 3, 2022 c 228 s 2, and  
21 2022 c 10 s 2 and are each reenacted and amended to read as follows:

22 Each health plan that provides medical insurance offered under  
23 this chapter, including plans created by insuring entities, plans not  
24 subject to the provisions of Title 48 RCW, and plans created under  
25 RCW 41.05.140, are subject to the provisions of RCW 48.43.500,  
26 70.02.045, 48.43.505 through 48.43.535, 48.43.537, 48.43.545,  
27 48.43.550, 70.02.110, 70.02.900, 48.43.190, 48.43.083, 48.43.0128,  
28 48.43.780, 48.43.435, 48.43.815, section 3 of this act, and chapter  
29 48.49 RCW.

30 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2025.

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