

2024 Regular Session

HOUSE BILL NO. 579

BY REPRESENTATIVES MCMAHEN, BACALA, BILLINGS, BOYD, BRYANT, CHASSION, CHENEVERT, FREIBERG, GREEN, HORTON, JACKSON, MIKE JOHNSON, JORDAN, KNOX, LAFLEUR, MANDIE LANDRY, LYONS, MYERS, NEWELL, OWEN, PHELPS, SELDERS, STAGNI, AND TAYLOR

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; to require the creation of a
7 working group; and to provide for related 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.

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

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

7 (4) "Pre-exposure prophylaxis" means a prophylactic regimen that includes
8 medication, regular counseling, and regular screening.

9 §1172.2. Pharmacist authority; statewide protocol

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

15 B.(1) The Louisiana Department of Health shall promulgate administrative
16 rules in accordance with the Administrative Procedure Act to implement the
17 provisions of this Section, which shall establish protocols for dispensing HIV pre-
18 exposure prophylaxis and HIV post-exposure prophylaxis.

19 (2) The Louisiana Department of Health shall create a working group to
20 advise it in promulgating administrative rules to implement the provisions of this
21 Section. The administrative rules shall be promulgated by December 2024.

22 (3) The collaborative working group shall integrate and coordinate expertise
23 relative but not limited to testing, referrals, prescribing, and reimbursement for HIV
24 pre-exposure prophylaxis and HIV post-exposure prophylaxis.

25 (4)(a) The working group shall be composed of the following members who
26 shall serve without compensation:

27 (i) A representative from the Louisiana Department of Health, bureau of
28 infectious diseases.

1 (ii) An infectious disease clinician to be selected by the Louisiana
2 Department of Health.

3 (iii) A pharmacist to be selected by the Louisiana Department of Health.

4 (iv) A representative from the Louisiana Board of Pharmacy.

5 (v) A representative from the Louisiana State Board of Medical Examiners.

6 (b) A quorum shall not be required for purposes of the working group to
7 meet.

8 (5) The statewide protocol shall include particular terms and conditions
9 relating to the testing, screening, and treatment for the pharmacist's training. At
10 minimum, and in accordance with the protocol, a pharmacist shall do all of the
11 following:

12 (a) Complete a training program approved by the board on the use of HIV
13 pre-exposure prophylaxis and HIV post-exposure prophylaxis prior to initiating
14 therapy, administering, dispensing, or participating in any other activities relating to
15 the statewide protocol provided in this Section, which shall include but not be limited
16 to information about all of the following:

17 (i) Financial assistance programs for HIV pre-exposure prophylaxis and HIV
18 post-exposure prophylaxis.

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

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

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

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

27 (d) Identify the nature and obligations for successful HIV pre-exposure
28 prophylaxis or HIV post-exposure prophylaxis, as required by the patient, and the

1 importance of timely testing for HIV and related complications and comorbid
2 conditions.

3 (6) The statewide protocol developed by the Louisiana Department of Health
4 and adopted by administrative rule shall include procedures for the timely
5 notification of the patient's medical home of the services provided, or when a patient
6 does not have a medical home, documentation of a good faith effort to refer the
7 patient to a medical home.

8 §1172.3. Reimbursement parity for pharmacists

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

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

18 C. The provisions of this Section may apply to coverage under a group or
19 individual health coverage plan provided to a resident of this state regardless of
20 whether the health coverage plan policy, contract, or other agreement is delivered,
21 issued for 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 Reengrossed

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", and "pre-exposure prophylaxis".

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 La. Dept. of Health 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 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. Proposed law requires the La. Dept. of Health to create a working group to advise it in promulgating administrative rules to implement the provisions of proposed law. Proposed law requires the administrative rules to be promulgated by Dec. 2024. Proposed law also identifies who should be included in the working group.

Proposed law may apply to group plan coverage provided to a resident of this state regardless of whether the health coverage plan policy, contract, or other agreement is delivered, issued for delivery, or renewed in 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.

The House Floor Amendments to the engrossed bill:

1. 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.
2. Require LDH to create a working group to advise it in promulgating administrative rules to implement the provisions of proposed law.
3. Require the administrative rules to be promulgated by Dec. 2024.
4. Identify who should be included in the working group required by proposed law.
5. Provide that proposed law may apply to group plan coverage.
6. Make technical corrections.