HOUSE BILL 20-1061

A BILL FOR AN ACT

CONCERNING PHARMACISTS' ABILITY TO PROVIDE HIV INFECTION PREVENTION MEDICATIONS TO PATIENTS, AND, IN CONNECTION THEREBY, MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

With regard to coverage under a health benefit plan for HIV infection prevention medications, the bill:

1. Prevents a health insurance carrier from requiring a covered person to undergo step therapy or to receive prior authorization before receiving HIV infection prevention...
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 10-16-102, add (27.5), (38.5), (50.5), and (50.7) as follows:

10-16-102. Definitions. As used in this article 16, unless the context otherwise requires:

(27.5) "FDA" means the Food and Drug Administration in the United States Department of Health and Human Services, or any successor entity.

(38.5) "HIV infection prevention drug" means preexposure prophylaxis, post-exposure prophylaxis, or other drugs approved by the FDA for the prevention of HIV infection.

(50.5) "Post-exposure prophylaxis" means a drug or drug combination that meets the same clinical eligibility recommendations provided in CDC guidelines, as defined in section 12-280-125.7.

(50.7) "Preexposure prophylaxis" means a drug or drug combination that meets the same clinical eligibility recommendations provided in CDC guidelines, as defined in section 12-280-125.7.

SECTION 2. In Colorado Revised Statutes, 10-16-104, add (18)(e) as follows:

10-16-104. Mandatory coverage provisions - definitions -
rules. (18) Preventive health care services. (e) (I) All individual
and group health benefit plans must provide coverage for HIV
infection prevention drugs that are prescribed and dispensed
pursuant to section 12-280-125.7.

(II) The carrier shall provide a pharmacist who prescribes
and dispenses HIV infection prevention drugs pursuant to
section 12-280-125.7 an adequate consultative fee, or, if medical
billing is not available, an enhanced dispensing fee, that is
equivalent or that is provided to a physician or advanced
practice nurse.

(III) This subsection (18)(e) does not apply to an integrated
health care delivery system that dispenses a majority of
prescription drugs through integrated pharmacies.

SECTION 3. In Colorado Revised Statutes, add 10-16-152 as
follows:

10-16-152. HIV prevention medication - limitations on
carriers - step therapy - prior authorization. A carrier shall not
require a covered person to undergo step therapy or to receive
prior authorization before a pharmacist may, pursuant to
section 12-280-125.7, prescribe and dispense an HIV infection
prevention drug.

SECTION 4. In Colorado Revised Statutes, 12-280-103, amend
(39)(c)(II)(C) and (39)(d); and add (39)(e) as follows:

12-280-103. Definitions - rules. As used in this article 280, unless
the context otherwise requires or the term is otherwise defined in another
part of this article 280:

(39) "Practice of pharmacy" means:
(c) The provision of a therapeutic interchange selection or a therapeutically equivalent selection to a patient if, during the patient's stay at a nursing care facility or a long-term acute care hospital licensed under part 1 of article 3 of title 25, the selection has been approved for the patient:

(II) By one of the following health care providers:

(C) An advanced practice nurse prescriber licensed as a professional nurse under section 12-255-110, registered as an advanced practice nurse under section 12-255-111, and authorized to prescribe controlled substances or prescription drugs pursuant to section 12-255-112, if the advanced practice nurse prescriber has developed an articulated plan to maintain ongoing collaboration with physicians and other health care professionals; and

(d) The dispensing of chronic maintenance drugs pursuant to section 12-280-125.5 and board rules adopted in accordance with that section; AND

(e) The prescribing and dispensing of post-exposure prophylaxis, as defined in section 12-280-125.7 (1)(d), for nonoccupational exposure to HIV infection and preexposure prophylaxis, as defined in section 12-280-125.7 (1)(e), and the ordering of lab tests in conjunction with prescribing or dispensing the drugs.

SECTION 5. In Colorado Revised Statutes, add 12-280-125.7 as follows:

12-280-125.7. Pharmacists' authority to prescribe and dispense HIV infection prevention drugs - definitions - rules. (1) As used in this section:
(a) "CDC" MEANS THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION IN THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ANY SUCCESSOR ENTITY.

(b) "CDC GUIDELINES" MEANS THE CDC GUIDELINES FOR PREEXPOSURE PROPHYLAXIS FOR THE PREVENTION OF HIV INFECTION AND THE "UPDATED GUIDELINES FOR ANTIRETROVIRAL POST-EXPOSURE PROPHYLAXIS AFTER SEXUAL, INJECTION DRUG USE, OR OTHER NONOCCUPATIONAL EXPOSURE TO HIV", AND ANY ANALOGOUS SUBSEQUENT GUIDELINES PUBLISHED BY THE CDC.

(c) "HIV INFECTION PREVENTION DRUG" MEANS PREEXPOSURE PROPHYLAXIS, POST-EXPOSURE PROPHYLAXIS, OR OTHER DRUGS APPROVED BY THE FDA FOR THE PREVENTION OF HIV INFECTION.

(d) "POST-EXPOSURE PROPHYLAXIS" MEANS A DRUG OR DRUG COMBINATION THAT MEETS THE SAME CLINICAL ELIGIBILITY RECOMMENDATIONS PROVIDED IN CDC GUIDELINES.

(e) "PREEXPOSURE PROPHYLAXIS" MEANS A DRUG OR DRUG COMBINATION THAT MEETS THE SAME CLINICAL ELIGIBILITY RECOMMENDATIONS PROVIDED IN CDC GUIDELINES.

(2) A PHARMACIST MAY PRESCRIBE AND DISPENSE HIV INFECTION PREVENTION DRUGS IN ACCORDANCE WITH THIS SECTION.

(3) BEFORE PRESCRIBING OR DISPENSING HIV INFECTION PREVENTION DRUGS TO A PATIENT, A PHARMACIST MUST:

(a) HOLD A CURRENT LICENSE TO PRACTICE IN COLORADO;

(b) BE ENGAGED IN THE PRACTICE OF PHARMACY;

(c) HAVE EARNED A DOCTORATE OF PHARMACY DEGREE OR COMPLETED AT LEAST FIVE YEARS OF EXPERIENCE AS A LICENSED PHARMACIST;
(d) Carry adequate professional liability insurance as determined by the board; and

(e) Complete a training program accredited by the Accreditation Council for Pharmacy Education, or its successor entity, pursuant to the protocol developed by the board.

(4) The board shall promulgate rules necessary to implement this section, including rules that establish protocols for prescribing and dispensing preexposure prophylaxis and post-exposure prophylaxis.

SECTION 6. Appropriation. For the 2020-21 state fiscal year, $13,347 is appropriated to the department of regulatory agencies for use by the division of insurance. This appropriation is from the division of insurance cash fund created in section 10-1-103 (3), C.R.S., and is based on an assumption that the division will require an additional 0.2 FTE. To implement this act, the division may use this appropriation for personal services.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.