

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0100.01 Kristen Forrestal x4217

HOUSE BILL 20-1061

HOUSE SPONSORSHIP

Valdez A. and Herod,

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PHARMACISTS' ABILITY TO PROVIDE HIV INFECTION**
102 **PREVENTION MEDICATIONS TO PATIENTS.**

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:

- ! Prevents a health insurance carrier from requiring a covered person to undergo step therapy or to receive prior authorization before receiving HIV infection prevention drugs;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- ! Requires carriers to cover HIV infection prevention drugs prescribed or dispensed by a pharmacist and to provide an adequate consultative fee to those pharmacists; and
- ! Allows a pharmacist to prescribe and dispense HIV infection prevention drugs if the pharmacist fulfills specific requirements.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-102, **add**
3 (27.5), (38.5), (50.5), and (50.7) as follows:

4 **10-16-102. Definitions.** As used in this article 16, unless the
5 context otherwise requires:

6 (27.5) "FDA" MEANS THE FOOD AND DRUG ADMINISTRATION IN
7 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR
8 ANY SUCCESSOR ENTITY.

9 (38.5) "HIV INFECTION PREVENTION DRUG" MEANS PREEXPOSURE
10 PROPHYLAXIS, POST-EXPOSURE PROPHYLAXIS, OR OTHER DRUGS APPROVED
11 BY THE FDA FOR THE PREVENTION OF HIV INFECTION.

12 (50.5) "POST-EXPOSURE PROPHYLAXIS" MEANS A DRUG OR DRUG
13 COMBINATION THAT MEETS THE SAME CLINICAL ELIGIBILITY
14 RECOMMENDATIONS PROVIDED IN CDC GUIDELINES, AS DEFINED IN
15 SECTION 12-280-125.7.

16 (50.7) "PREEXPOSURE PROPHYLAXIS" MEANS A DRUG OR DRUG
17 COMBINATION THAT MEETS THE SAME CLINICAL ELIGIBILITY
18 RECOMMENDATIONS PROVIDED IN CDC GUIDELINES, AS DEFINED IN
19 SECTION 12-280-125.7.

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

22 **10-16-104. Mandatory coverage provisions - definitions -**

1 **rules. (18) Preventive health care services. (e) (I)** ALL INDIVIDUAL
2 AND GROUP HEALTH BENEFIT PLANS MUST PROVIDE COVERAGE FOR HIV
3 INFECTION PREVENTION DRUGS THAT ARE PRESCRIBED AND DISPENSED
4 PURSUANT TO SECTION 12-280-125.7.

5 (II) THE CARRIER SHALL PROVIDE A PHARMACIST WHO PRESCRIBES
6 AND DISPENSES HIV INFECTION PREVENTION DRUGS PURSUANT TO
7 SECTION 12-280-125.7 AN ADEQUATE CONSULTATIVE FEE, OR, IF MEDICAL
8 BILLING IS NOT AVAILABLE, AN ENHANCED DISPENSING FEE, THAT IS
9 EQUIVALENT OR THAT IS PROVIDED TO A PHYSICIAN OR ADVANCED
10 PRACTICE NURSE.

11 (III) THIS SUBSECTION (18)(e) DOES NOT APPLY TO AN INTEGRATED
12 HEALTH CARE DELIVERY SYSTEM THAT DISPENSES A MAJORITY OF
13 PRESCRIPTION DRUGS THROUGH INTEGRATED PHARMACIES.

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

16 **10-16-152. HIV prevention medication - limitations on**
17 **carriers - step therapy - prior authorization.** A CARRIER SHALL NOT
18 REQUIRE A COVERED PERSON TO UNDERGO STEP THERAPY OR TO RECEIVE
19 PRIOR AUTHORIZATION BEFORE A PHARMACIST MAY, PURSUANT TO
20 SECTION 12-280-125.7, PRESCRIBE AND DISPENSE AN HIV INFECTION
21 PREVENTION DRUG.

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

24 **12-280-103. Definitions - rules.** As used in this article 280, unless
25 the context otherwise requires or the term is otherwise defined in another
26 part of this article 280:

27 (39) "Practice of pharmacy" means:

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

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

7 (C) An advanced practice nurse prescriber licensed as a
8 professional nurse under section 12-255-110, registered as an advanced
9 practice nurse under section 12-255-111, and authorized to prescribe
10 controlled substances or prescription drugs pursuant to section
11 12-255-112, if the advanced practice nurse prescriber has developed an
12 articulated plan to maintain ongoing collaboration with physicians and
13 other health care professionals; and

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

17 (e) THE PRESCRIBING AND DISPENSING OF POST-EXPOSURE
18 PROPHYLAXIS, AS DEFINED IN SECTION 12-280-125.7 (1)(d), FOR
19 NONOCCUPATIONAL EXPOSURE TO HIV INFECTION AND PREEXPOSURE
20 PROPHYLAXIS, AS DEFINED IN SECTION 12-280-125.7 (1)(e), AND THE
21 ORDERING OF LAB TESTS IN CONJUNCTION WITH PRESCRIBING OR
22 DISPENSING THE DRUGS.

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

25 **12-280-125.7. Pharmacists' authority to prescribe and**
26 **dispense HIV infection prevention drugs - definitions - rules. (1) AS**
27 **USED IN THIS SECTION:**

1 (a) "CDC" MEANS THE FEDERAL CENTERS FOR DISEASE CONTROL
2 AND PREVENTION IN THE UNITED STATES DEPARTMENT OF HEALTH AND
3 HUMAN SERVICES, OR ANY SUCCESSOR ENTITY.

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

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

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

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

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

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

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

24 (b) BE ENGAGED IN THE PRACTICE OF PHARMACY;

25 (c) HAVE EARNED A DOCTORATE OF PHARMACY DEGREE OR
26 COMPLETED AT LEAST FIVE YEARS OF EXPERIENCE AS A LICENSED
27 PHARMACIST;

1 (d) CARRY ADEQUATE PROFESSIONAL LIABILITY INSURANCE AS
2 DETERMINED BY THE BOARD; AND

3 (e) COMPLETE A TRAINING PROGRAM ACCREDITED BY THE
4 ACCREDITATION COUNCIL FOR PHARMACY EDUCATION, OR ITS SUCCESSOR
5 ENTITY, PURSUANT TO THE PROTOCOL DEVELOPED BY THE BOARD.

6 (4) THE BOARD SHALL PROMULGATE RULES NECESSARY TO
7 IMPLEMENT THIS SECTION, INCLUDING RULES THAT ESTABLISH PROTOCOLS
8 FOR PRESCRIBING AND DISPENSING PREEXPOSURE PROPHYLAXIS AND
9 POST-EXPOSURE PROPHYLAXIS.

10 **SECTION 6. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety.