

INTERIM STUDY PROPOSAL 2019-174

State of Arkansas  
92nd General Assembly  
Second Extraordinary Session, 2020

**A Bill**

JMB/JMB  
HOUSE BILL

By: Representative Love

Filed with: House Committee on Public Health, Welfare, and Labor  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

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

**Subtitle**

TO AUTHORIZE PHARMACISTS TO DISPENSE HIV  
PREEXPOSURE AND POSTEXPOSURE PROPHYLAXIS.

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

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

(h) Under a statewide protocol, a pharmacist  
may initiate therapy and administer or dispense, or both, drugs that include  
Naloxone, ~~and~~ nicotine replacement therapy products, HIV preexposure  
prophylaxis, and HIV postexposure prophylaxis;

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

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

SECTION 2. Arkansas Code § 17-92-115 is amended to read as follows:

1           17-92-115. Requirements for administering and dispensing under  
2 statewide protocol.

3           (a) When initiating therapy and administering or dispensing, or both,  
4 under a statewide protocol, a pharmacist shall:

5                   (1) Notify the primary care provider of the patient of any drug  
6 or device furnished to the patient or enter the appropriate information in a  
7 patient record system shared with the primary care provider, as permitted by  
8 the primary care provider;

9                   (2) Provide the patient with a written record of the drugs or  
10 devices furnished and advise the patient to consult a physician of the  
11 patient's choice, if the patient does not have a primary care provider; and

12                   (3)(A) Make a standardized fact sheet available to the recipient  
13 of the drug or device.

14                           (B) The standardized fact sheet shall include without  
15 limitation:

16                                   (i) The indications and contraindications for the  
17 use of the drug or device;

18                                   (ii) The appropriate method for the use of the drug  
19 or device;

20                                   (iii) The need for medical follow-up; and

21                                   (iv) Other appropriate information.

22           (b)(1) In addition to the requirements under subsection (a) of this  
23 section, when initiating therapy and administering or dispensing, or both,  
24 for HIV preexposure prophylaxis or HIV postexposure prophylaxis, or both,  
25 under a statewide protocol, a pharmacist shall:

26                   (A) Within twelve (12) months of initiating therapy and  
27 administering or dispensing, or both, complete a training program approved by  
28 the Arkansas State Board of Pharmacy on the use of HIV preexposure  
29 prophylaxis and HIV postexposure prophylaxis, which shall include information  
30 about:

31                                   (i) Financial assistance programs for HIV  
32 preexposure prophylaxis and HIV postexposure prophylaxis; and

33                                   (ii) Relevant federal guidelines regarding HIV  
34 preexposure prophylaxis and HIV postexposure prophylaxis; and

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

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

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

6                   (a) An HIV antigen/antibody test;

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

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

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

12           (iii) If the patient tests positive for HIV  
13 infection, the pharmacist shall direct the patient to a primary care provider  
14 and provide a list of providers and clinics in the region;

15           (B) The patient does not report:

16                   (i) Any signs or symptoms of acute HIV infection on  
17 a self-reported checklist of acute HIV infection signs and symptoms; and

18                   (ii) Usage of any contraindicated medication;

19           (C) The pharmacist provides counseling to the patient on  
20 the ongoing use of HIV preexposure prophylaxis, which shall include education  
21 about:

22                   (i) Side effects;

23                   (ii) Safety during pregnancy and breastfeeding;

24                   (iii) Adherence to recommended dosing;

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

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

30           (D) To the extent possible, the pharmacist documents the  
31 services provided by the pharmacist in the record system.

32           (3) Under a statewide protocol, a pharmacist shall dispense a  
33 course of HIV postexposure prophylaxis if the pharmacist:

34           (A) Screens the patient and determines the exposure to HIV  
35 occurred within the previous seventy-two (72) hours and the patient otherwise  
36 meets the clinical criteria for HIV postexposure prophylaxis;

1                   (B) Provides HIV testing or determines the patient is:

2                   (i) Willing to undergo HIV testing consistent with  
3 federal guidelines; or

4                   (ii) Unwilling to undergo HIV testing but otherwise  
5 eligible for HIV postexposure prophylaxis;

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

8                   (i) Side effects;

9                   (ii) Safety during pregnancy and breastfeeding;

10                  (iii) Adherence to recommended dosing;

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

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

16                  (D) To the extent possible, documents the services  
17 provided by the pharmacist in the record system.

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

22                  (6) Make or permit any reduction of payment for pharmacist  
23 services by a pharmacy benefits manager or a healthcare insurer directly or  
24 indirectly to a pharmacy under a reconciliation process to an effective rate  
25 of reimbursement, including without limitation generic effective rates, brand  
26 effective rates, direct and indirect remuneration fees, or any other  
27 reduction or aggregate reduction of payment; ~~or~~

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

30                  (B) As used in subdivision (b)(7) of this section, "HIV"  
31 means the human immunodeficiency virus or any other identified causative  
32 agent of acquired immunodeficiency syndrome (AIDS); or

33                  ~~(7)(8)~~ Do any combination of the actions listed in subdivisions  
34 ~~(b)(1)-(6)(b)(1)-(7)~~ of this section.

1 SECTION 4. Arkansas Code Title 23, Chapter 99, Subchapter 11, is  
2 amended to add an additional section to read as follows:

3 23-99-1120. HIV preexposure prophylaxis and HIV postexposure  
4 prophylaxis.

5 (a) As used in this section:

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

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

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

14 (c) If the United States Food and Drug Administration approves one (1)  
15 or more therapeutic equivalents of a drug, device, or product for the  
16 prevention of HIV or AIDS, a health benefit plan or healthcare insurer is not  
17 required to cover all therapeutically equivalent versions without prior  
18 authorization or step therapy if at least one (1) therapeutically equivalent  
19 version is covered without prior authorization or step therapy.

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22 Referred by Representative Love

23 Prepared by: JMB/JMB  
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