

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H2/14/23

A Bill

HOUSE BILL 1007

5 By: Representative Pilkington
6 By: Senator C. Penzo
7

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE PHARMACISTS TO DISPENSE HIV
10 PREEXPOSURE AND POSTEXPOSURE PROPHYLAXIS; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

15 TO AUTHORIZE PHARMACISTS TO DISPENSE HIV
16 PREEXPOSURE AND POSTEXPOSURE PROPHYLAXIS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 17-92-101(17)(A)(i)(g), concerning the
22 definition of "practice of pharmacy", is amended to read as follows:

23 (g) Under a statewide protocol, a pharmacist
24 may diagnose and assess conditions, and initiate therapy and administer or
25 dispense, or both, drugs that include Naloxone, nicotine replacement therapy
26 products, ~~and~~ oral contraceptives, HIV preexposure prophylaxis, and HIV
27 postexposure prophylaxis;
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29 SECTION 2. Arkansas Code § 17-92-101, concerning definitions regarding
30 pharmacy and pharmacists, is amended to add an additional subdivision to read
31 as follows:

32 (26) "HIV" means the human immunodeficiency virus or any other
33 identified causative agent of acquired immunodeficiency syndrome (AIDS).
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35 SECTION 3. Arkansas Code § 17-92-115, concerning the requirements for
36 administering and dispensing under a statewide protocol, is amended to add an



1 additional subsection to read as follows:

2 (c)(1) In addition to the requirements under subsection (a) of this
3 section, when initiating therapy and administering or dispensing, or both,
4 for HIV preexposure prophylaxis or HIV postexposure prophylaxis, or both,
5 under a statewide protocol, a pharmacist shall:

6 (A) Within twelve (12) months of initiating therapy and
7 administering or dispensing, or both, complete a training program approved by
8 the board on the use of HIV preexposure prophylaxis and HIV postexposure
9 prophylaxis, which shall include information about:

10 (i) Financial assistance programs for HIV
11 preexposure prophylaxis and HIV postexposure prophylaxis; and

12 (ii) Relevant federal guidelines regarding HIV
13 preexposure prophylaxis and HIV postexposure prophylaxis; and

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

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

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

21 (a) An HIV antigen/antibody test;

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

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

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

27 (iii) If the patient tests positive for HIV
28 infection, the pharmacist shall direct the patient to a primary care provider
29 and provide a list of providers and clinics in the region.

30 (iv) If the patient does not provide evidence of a
31 negative HIV test, the pharmacist shall test and administer an HIV test and
32 interpret the test results;

33 (B) The patient does not report:

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

36 (ii) Usage of any contraindicated medication;

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

- 4 (i) Side effects;
5 (ii) Safety during pregnancy and breastfeeding;
6 (iii) Adherence to recommended dosing;
7 (iv) The importance of timely testing and treatment
8 for HIV, renal function, hepatitis B, hepatitis C, sexually transmitted
9 diseases, and pregnancy for individuals of childbearing capacity; and
10 (v) The requirement that subsequent prescriptions
11 for HIV preexposure prophylaxis be issued by a primary care provider; and

12 (D) To the extent possible, the pharmacist documents the
13 services provided by the pharmacist in the patient record system shared with
14 the primary care provider.

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

17 (A) Screens the patient and determines that the exposure
18 to HIV occurred within the previous seventy-two (72) hours and that the
19 patient otherwise meets the clinical criteria for HIV postexposure
20 prophylaxis;

21 (B) Provides HIV testing or determines that the patient
22 is:

23 (i) Willing to undergo HIV testing consistent with
24 federal guidelines; or

25 (ii) Unwilling to undergo HIV testing but otherwise
26 eligible for HIV postexposure prophylaxis;

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

- 29 (i) Side effects;
30 (ii) Safety during pregnancy and breastfeeding;
31 (iii) Adherence to recommended dosing;
32 (iv) The importance of timely testing and treatment
33 for HIV, renal function, hepatitis B, hepatitis C, sexually transmitted
34 diseases, and pregnancy for individuals of childbearing capacity; and

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

1 (D) To the extent possible, documents the services
2 provided by the pharmacist in the patient record system shared with the
3 primary care provider.

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5 SECTION 4. Arkansas Code § 23-92-506(b)(6) and (7), concerning
6 prohibited practices of a pharmacy benefits manager, are amended to read as
7 follows:

8 (6) Make or permit any reduction of payment for pharmacist
9 services by a pharmacy benefits manager or a healthcare payor directly or
10 indirectly to a pharmacy under a reconciliation process to an effective rate
11 of reimbursement, including without limitation generic effective rates, brand
12 effective rates, direct and indirect remuneration fees, or any other
13 reduction or aggregate reduction of payment; ~~or~~

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

16 (B) As used in subdivision (b)(7)(A) of this section,
17 "HIV" means the human immunodeficiency virus or any other identified
18 causative agent of acquired immunodeficiency syndrome, commonly known as
19 "AIDS"; or

20 ~~(7)(8)~~ Do any combination of the actions listed in subdivisions
21 ~~(b)(1)-(6)~~(b)(1)-(7) of this section.

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23 SECTION 5. Arkansas Code Title 23, Chapter 99, Subchapter 11, is
24 amended to add an additional section to read as follows:

25 23-99-1120. HIV preexposure prophylaxis and HIV postexposure
26 prophylaxis – Definitions.

27 (a) As used in this section:

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

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

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

36 (c) If the United States Food and Drug Administration approves one (1)

1 or more therapeutic equivalents of a drug, device, or product for the
2 prevention of HIV or AIDS, a health benefit plan or healthcare insurer is not
3 required to cover all therapeutically equivalent versions without prior
4 authorization or step therapy if at least one (1) therapeutically equivalent
5 version is covered without prior authorization or step therapy.

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