

**HOUSE . . . . . No. 4066**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Kay Khan*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to pharmacists as healthcare providers.

PETITION OF:

| NAME:                        | DISTRICT/ADDRESS:                       | DATE ADDED:      |
|------------------------------|---|------------------|
| <i>Kay Khan</i>              | <i>11th Middlesex</i>                   | <i>5/15/2023</i> |
| <i>James C. Arena-DeRosa</i> | <i>8th Middlesex</i>                    | <i>5/31/2023</i> |
| <i>Alan Silvia</i>           | <i>7th Bristol</i>                      | <i>6/13/2023</i> |
| <i>Brian W. Murray</i>       | <i>10th Worcester</i>                   | <i>6/25/2023</i> |
| <i>Vanna Howard</i>          | <i>17th Middlesex</i>                   | <i>7/2/2023</i>  |
| <i>Rebecca L. Rausch</i>     | <i>Norfolk, Worcester and Middlesex</i> | <i>7/10/2023</i> |
| <i>James B. Eldridge</i>     | <i>Middlesex and Worcester</i>          | <i>8/16/2023</i> |

**HOUSE . . . . . No. 4066**

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By Representative Khan of Newton, a petition (subject to Joint Rule 12) of Kay Khan relative to pharmacists as healthcare providers. Financial Services.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act relative to pharmacists as healthcare providers.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Notwithstanding any general provisions or special laws to the contrary, the  
2 board of pharmacy shall establish a written statewide protocol for pharmacists to test or screen  
3 for and initiate treatment or therapy for qualified health conditions. For purposes of this act, the  
4 board will only require the oversight of the manager of record.

5           The list of qualified conditions for testing, screening, and treatment or therapy shall  
6 include Influenza, Streptococcal infections, COVID-19, HIV, and any other health condition  
7 approved by the board. Treatment or therapy for HIV may include an HIV Pre-Exposure  
8 Prophylaxis, also known as PrEP, or an HIV Post-Exposure Prophylaxis, also known as PEP.

9           For the purposes of this act, causing a test to be administered shall include collecting a  
10 specimen, or overseeing the collection of a specimen, or causing the specimen to be sent to a  
11 laboratory with the capacity to perform the test. A pharmacist may delegate the administrative  
12 and technical tasks of performing a test waived by the federal Clinical Laboratory Improvement

13 Amendments of 1988 to a pharmacy technician acting under the supervision of the pharmacist  
14 and evaluate results as necessary to initiate treatment.

15 The laboratory shall be authorized under federal and state law to perform the test,  
16 including, but not limited to, the federal "Clinical Laboratory Improvement Amendments of  
17 1988 (CLIA)," Pub. L. 100-578 (42 U.S.C. s.263a), and relevant state regulations. If the test  
18 which is administered is one for which the analysis can be performed at a CLIA-waived facility  
19 or pharmacy and if the pharmacy at which the specimen is collected has a CLIA waiver, then the  
20 test may be processed at that pharmacy.

21 If an individual tests positive for COVID-19 using a test administered by a pharmacist  
22 then the pharmacist shall advise the patient to follow the Massachusetts Department of Public  
23 Health COVID-19 guidelines. If the patient is a member of a group that is at high risk for health  
24 complications from COVID-19 or is experiencing symptoms of a severe adverse reaction to  
25 COVID-19, the pharmacist shall also advise the patient to promptly seek treatment at a hospital  
26 or contact the patient's health care provider. The pharmacist shall ensure compliance with all  
27 other state and federal requirements concerning a positive test for COVID-19, including  
28 applicable reporting and data collection requirements.

29 A pharmacist who tests or screens for and initiates treatment or therapy for a health  
30 condition in accordance with the statewide protocol established pursuant to this Section may use  
31 any test that guides diagnosis or clinical decision-making which the Centers for Medicare and  
32 Medicaid Services has determined qualifies for a waiver in accordance with the federal Clinical  
33 Laboratory Improvement Amendments of 1988, or the federal rules adopted thereunder, or any

34 established screening procedure that can safely be performed by a pharmacist under the  
35 pharmacist's professional license.

36 An insurance carrier and pharmacy benefit manager shall develop adequate provider and  
37 consult codes as authorized by this act for pharmacy compensation. A health benefit plan,  
38 medical assistance program, group health plan, insurer or its contractor shall be prohibited from  
39 denying reimbursement for services and procedures performed by a certified pharmacist clinician  
40 or a pharmacist certified to provide a prescriptive authority service within the scope of their  
41 license. Said entities shall reimburse a certified pharmacist clinician or pharmacist certified to  
42 provide a prescriptive authority service for such services and procedures at the standard  
43 contracted rate that such entity reimburse, for the same service, any other healthcare provider in  
44 the commonwealth.