

Subject Coverage and dispensing of HIV preexposure, postexposure prophylaxis

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Overview

This bill prohibits health plans that cover HIV antiretroviral drugs from requiring prior authorization or a step therapy protocol for those drugs, and establishes requirements for using prior authorization or step therapy protocols for certain HIV prevention drugs or products. The bill also allows licensed pharmacists to dispense HIV preexposure and postexposure prophylaxis without prescriptions, under specified circumstances, and requires health plans that cover these items to provide the same coverage that would apply if the drug had been dispensed according to a prescription.

Summary

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1	Prohibition on use of step therapy for antiretroviral drugs.
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Adds § 62Q.1842. Prohibits a health plan that covers HIV antiretroviral drugs from requiring prior authorization or a step therapy protocol for these drugs and establishes requirements for use of prior authorization or a step therapy protocol for HIV prevention drugs, devices, and products with therapeutic equivalents.

Subd. 1. Definitions. Defines terms for this section: health plan and step therapy protocol.

Subd. 2. Prohibition on use of step therapy protocols. Prohibits a health plan that covers HIV antiretroviral drugs, including preexposure prophylaxis and postexposure prophylaxis, from requiring prior authorization or a step therapy protocol for these drugs, except that if the FDA has approved more than one therapeutic equivalent of an HIV prevention drug, device, or product, the health plan is not required to cover all therapeutically equivalent versions without prior

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	authorization or a step therapy protocol but must cover at least one therapeutic equivalent version without prior authorization or a step therapy protocol.
2	Coverage for HIV preexposure prophylaxis and HIV postexposure prophylaxis. Adds § 62Q.524. Requires a health plan that covers HIV preexposure and postexposure prophylaxis to provide the same coverage for these items when dispensed by a pharmacist without a prescription, that would apply if the drug had been dispensed according to a prescription. Requires the health plan to cover these drugs when dispensed by an out-of-network pharmacy if the health plan covers other drugs dispensed by out-of-network pharmacies. Allows a health plan to limit coverage of preexposure prophylaxis in certain cases. Prohibits a health plan company or pharmacy benefit manager from prohibiting a pharmacy from dispensing these drugs as a condition of an in-network contract.
3	Practice of pharmacy. Amends § 151.01, subd. 27. Amends the definition of “practice of pharmacy” to include the administration of HIV preexposure prophylaxis and HIV postexposure prophylaxis.
4	Information provision; sources of lower cost prescription drugs. Amends § 151.06, subd. 6. Requires the Board of Pharmacy to publish updated information on its website about the availability of HIV preexposure and HIV postexposure prophylaxis, including how to obtain them without a prescription.
5	HIV preexposure prophylaxis. Amends § 151.37 by adding subd. 17. Paragraph (a) defines “preexposure prophylaxis” and “CDC guidelines.” Paragraph (b) allows a pharmacist to dispense HIV preexposure prophylaxis without a prescription. Paragraph (c) requires a pharmacist to complete a board-approved training program on the use of preexposure prophylaxis and postexposure prophylaxis; specifies what the training must include. Requires the board to approve a program, in consultation with the Board of Medical Practice and stakeholders, by January 1, 2022. Paragraph (d) lists the circumstances under which a pharmacist may dispense a preexposure prophylaxis to a patient. Paragraph (e) requires the pharmacist to provide counseling to the patient on the ongoing use of preexposure prophylaxis. Specifies what the counseling may include. Requires the pharmacist to inform the patient that the patient must be seen by a

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health care provider in order to receive subsequent preexposure prophylaxis prescriptions.

Paragraph (f) requires the pharmacist to inform the patient's primary care provider, with the patient's consent, that the pharmacist has dispensed preexposure prophylaxis to the patient. Requires the pharmacist to provide a list of providers to contact for ongoing care if the patient refuses to consent or does not have a primary care provider. Requires the pharmacist to maintain a record of the services provided and the preexposure prophylaxis dispensed.

6 HIV postexposure prophylaxis.

Amends § 151.37 by adding subd. 18. Paragraph (a) defines "postexposure prophylaxis" and "CDC guidelines."

Paragraph (b) allows a pharmacist to dispense a complete course of HIV postexposure prophylaxis without a prescription.

Paragraph (c) requires a pharmacist to complete a board-approved training program on the use of preexposure prophylaxis and postexposure prophylaxis; specifies what the training must include. Requires the board to approve a program, in consultation with the Board of Medical Practice and stakeholders, by January 1, 2022.

Paragraph (d) lists the circumstances under which a pharmacist may dispense a postexposure prophylaxis to a patient.

Paragraph (e) requires the pharmacist to provide counseling to the patient on the ongoing use of postexposure prophylaxis. Specifies what the counseling may include.

Paragraph (f) requires the pharmacist to inform the patient's primary care provider, with the patient's consent, that the pharmacist has provided the postexposure prophylaxis treatment to the patient. Requires the pharmacist to provide a list of providers to contact for ongoing care if the patient refuses to consent or does not have a primary care provider. Requires the pharmacist to maintain a record of the services provided and the postexposure prophylaxis dispensed.

7 Information provision; pharmaceutical assistance programs.

Amends § 214.122. Adds paragraph (c) requiring the Board of Medical Practice and Board of Nursing to ensure that licensees are provided with information regarding the availability of preexposure or postexposure prophylaxis, if the licensee has patients who are at high risk for HIV or may have been potentially exposed to HIV.

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8	<p>Drugs.</p> <p>Amends § 256B.0625, subd. 13. Adds paragraph (h), specifying that medical assistance covers preexposure and postexposure prophylaxis dispensed by a licensed pharmacist.</p>
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