2023 -- H 6150 SUBSTITUTE A

LC002548/SUB A

19

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

AN ACT

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Introduced By: Representatives Potter, Baginski, Kazarian, Cruz, Donovan, Kislak, Giraldo, McNamara, Voas, and Morales

Data Introduced By: Representatives Potter, Baginski, Kazarian, Cruz, Donovan, Kislak, Giraldo, McNamara, Voas, and Morales

Date Introduced: March 10, 2023

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness Insurance 2 Policies" is hereby amended by adding thereto the following section: 3 27-18-91. Coverage for treatment of pre-exposure prophylaxis (PrEP) for the prevention of HIV and post-exposure prophylaxis (PEP) to prevent HIV infection. 4 5 (a) Every group health insurance contract, or every group hospital or medical expense insurance policy, plan, or group policy delivered, issued for delivery, or renewed in this state, by 6 7 any health insurance carrier, on or after January 1, 2024, shall provide coverage for treatment of 8 pre-exposure prophylaxis ("PrEP") for the prevention of HIV and post-exposure prophylaxis 9 ("PEP") to prevent HIV infection. 10 (b) When PrEP or PEP is recommended with a grade of "A" or "B" by the U.S. Preventive Services Taskforce, then the coverage shall be provided without applying any copayments, 11 12 deductibles, coinsurance, or other cost sharing, and medical management shall be limited, in accordance with the processes outlined in 42 U.S.C. § 300gg-13 and related regulations and 13 14 guidance. 15 (c) Notwithstanding any provision of law to the contrary and as authorized by the Rhode Island board of pharmacy (the "board") in accordance with rules and regulations adopted under 16 subsection (d) of this section, a pharmacist may prescribe, dispense and administer HIV PrEP or 17 18 PEP drugs (hereinafter sometimes referred to as "prevention drugs") as described in subsection (a)

of this section pursuant to a standing order or collaborative practice agreement or to protocols

1	developed by the board for when there is no prescription drug order, standing order or collaborative
2	practice agreement in accordance with the requirements in this subsection and may also order
3	laboratory testing for HIV infection as necessary.
4	(1) Before furnishing an HIV PrEP or PEP drug to a patient, a pharmacist shall complete a
5	training program approved by the board on the use of protocols developed by the board for
6	prescribing, dispensing and administering an HIV prevention drug, on the requirements for any
7	laboratory testing for HIV infection and on guidelines for prescription adherence and best practices
8	to counsel patients prescribed an HIV prevention drug.
9	(2) A pharmacist shall dispense or administer a PrEP or PEP drug in at least a thirty (30)
10	day supply, and up to a sixty (60) day supply, as long as all of the following conditions are met:
11	(i) The patient tests negative for HIV infection, as documented by a negative HIV test result
12	obtained within the previous seven (7) days. If the patient does not provide evidence of a negative
13	HIV test result, the pharmacist shall order an HIV test. If the test results are not transmitted directly
14	to the pharmacist, the pharmacist shall verify the test results to the pharmacist's satisfaction. If the
15	patient tests positive for HIV infection, the pharmacist or person administering the test shall direct
16	the patient to a primary care provider and provide a list of primary care providers and clinics within
17	a reasonable travel distance of the patient's residence;
18	(ii) The patient does not report any signs or symptoms of acute HIV infection on a self-
19	reporting checklist of acute HIV infection signs and symptoms;
20	(iii) The patient does not report taking any contraindicated medications;
21	(iv) The pharmacist provides counseling to the patient, consistent with CDC guidelines, on
22	the ongoing use of a PrEP or PEP drug. The pharmacist shall notify the patient that the patient shall
23	be seen by a primary care provider to receive subsequent prescriptions for a PrEP or PEP drug and
24	that a pharmacist shall not dispense or administer more than a sixty (60) day supply of a PrEP or
25	PEP drug to a single patient once every two (2) years without a prescription;
26	(v) The pharmacist documents, to the extent possible, the services provided by the
27	pharmacist in the patient's record in the patient profile record system maintained by the pharmacy.
28	The pharmacist shall maintain records of PrEP or PEP drugs dispensed or administered to each
29	patient;
30	(vi) The pharmacist does not dispense or administer more than a sixty (60) day supply of a
31	PrEP or PEP drug to a single patient once every two (2) years, unless otherwise directed by a
32	practitioner; and
33	(vii) The pharmacist notifies the patient's primary care provider that the pharmacist
34	completed the requirements specified in this subsection. If the patient does not have a primary care

1	provider, or refuses consent to notify the patient's primary care provider, the pharmacist shall
2	provide the patient a list of physicians, clinics or other health care providers to contact regarding
3	follow-up care.
4	(3) A pharmacist shall dispense or administer a complete course of a post-exposure
5	prophylaxis drug as long as all of the following conditions are met:
6	(i) The pharmacist screens the patient and determines that the exposure occurred within the
7	previous seventy-two (72) hours and the patient otherwise meets the clinical criteria for a post-
8	exposure prophylaxis drug under CDC guidelines;
9	(ii) The pharmacist provides HIV testing to the patient or determines that the patient is
10	willing to undergo HIV testing consistent with CDC guidelines. If the patient refuses to undergo
11	HIV testing but is otherwise eligible for a post-exposure prophylaxis drug under this subsection,
12	the pharmacist may dispense or administer a post-exposure prophylaxis drug;
13	(iii) The pharmacist provides counseling to the patient, consistent with CDC guidelines, on
14	the use of a post-exposure prophylaxis drug. The pharmacist shall also inform the patient of the
15	availability of a PrEP or PEP drug for persons who are at substantial risk of acquiring HIV; and
16	(iv) The pharmacist notifies the patient's primary care provider of the dispensing or
17	administering of the post-exposure prophylaxis drug. If the patient does not have a primary care
18	provider, or refuses consent to notify the patient's primary care provider, the pharmacist shall
19	provide the patient a list of physicians, clinics or other health care providers to contact regarding
20	follow-up care.
21	(4) The board shall promulgate rules and regulations establishing standards for authorizing
22	pharmacists to prescribe, dispense and administer HIV prevention drugs in accordance with this
23	section, including adequate training requirements and protocols for when there is no prescription
24	drug order, standing order or collaborative practice agreement.
25	SECTION 2. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service
26	Corporations" is hereby amended by adding thereto the following section:
27	27-19-83. Coverage for treatment of pre-exposure prophylaxis (PrEP) for the
28	prevention of HIV and post-exposure prophylaxis (PEP) to prevent HIV infection.
29	(a) Every group health insurance contract, or every group hospital or medical expense
30	insurance policy, plan, or group policy delivered, issued for delivery, or renewed in this state, by
31	any health insurance carrier, on or after January 1, 2024, shall provide coverage for treatment of
32	pre- exposure prophylaxis ("PrEP") for the prevention of HIV and post-exposure prophylaxis
33	("PEP") to prevent HIV infection.
34	(b) When PrEP or PEP is recommended with a grade of "A" or "B" by the U.S. Preventive

1	Services raskroice, then the coverage shall be provided without applying any copayments,
2	deductibles, coinsurance, or other cost sharing, and medical management shall be limited, in
3	accordance with the processes outlined in 42 U.S.C. § 300gg-13 and related regulations and
4	guidance.
5	(c) Notwithstanding any provision of law to the contrary and as authorized by the Rhode
6	Island board of pharmacy (the "board") in accordance with rules and regulations adopted under
7	subsection (d) of this section, a pharmacist may prescribe, dispense and administer HIV PrEP or
8	PEP drugs (hereinafter sometimes referred to as "prevention drugs") as described in subsection (a)
9	of this section pursuant to a standing order or collaborative practice agreement or to protocols
10	developed by the board for when there is no prescription drug order, standing order or collaborative
11	practice agreement in accordance with the requirements in this subsection and may also order
12	laboratory testing for HIV infection as necessary.
13	(1) Before furnishing an HIV PrEP or PEP drug to a patient, a pharmacist shall complete a
14	training program approved by the board on the use of protocols developed by the board for
15	prescribing, dispensing and administering an HIV prevention drug, on the requirements for any
16	laboratory testing for HIV infection and on guidelines for prescription adherence and best practices
17	to counsel patients prescribed an HIV prevention drug.
18	(2) A pharmacist shall dispense or administer a PrEP or PEP drug in at least a thirty (30)
19	day supply, and up to a sixty (60) day supply, as long as all of the following conditions are met:
20	(i) The patient tests negative for HIV infection, as documented by a negative HIV test result
21	obtained within the previous seven (7) days. If the patient does not provide evidence of a negative
22	HIV test result, the pharmacist shall order an HIV test. If the test results are not transmitted directly
23	to the pharmacist, the pharmacist shall verify the test results to the pharmacist's satisfaction. If the
24	patient tests positive for HIV infection, the pharmacist or person administering the test shall direct
25	the patient to a primary care provider and provide a list of primary care providers and clinics within
26	a reasonable travel distance of the patient's residence;
27	(ii) The patient does not report any signs or symptoms of acute HIV infection on a self-
28	reporting checklist of acute HIV infection signs and symptoms;
29	(iii) The patient does not report taking any contraindicated medications;
30	(iv) The pharmacist provides counseling to the patient, consistent with CDC guidelines, on
31	the ongoing use of a PrEP or PEP drug. The pharmacist shall notify the patient that the patient shall
32	be seen by a primary care provider to receive subsequent prescriptions for a PrEP or PEP drug and
33	that a pharmacist shall not dispense or administer more than a sixty (60) day supply of a PrEP or
34	PEP drug to a single patient once every two (2) years without a prescription;

1	(v) The pharmacist documents, to the extent possible, the services provided by the
2	pharmacist in the patient's record in the patient profile record system maintained by the pharmacy.
3	The pharmacist shall maintain records of PrEP or PEP drugs dispensed or administered to each
4	patient;
5	(vi) The pharmacist does not dispense or administer more than a sixty (60) day supply of a
6	PrEP or PEP drug to a single patient once every two (2) years, unless otherwise directed by a
7	practitioner; and
8	(vii) The pharmacist notifies the patient's primary care provider that the pharmacist
9	completed the requirements specified in this subsection. If the patient does not have a primary care
10	provider, or refuses consent to notify the patient's primary care provider, the pharmacist shall
11	provide the patient a list of physicians, clinics or other health care providers to contact regarding
12	follow-up care.
13	(3) A pharmacist shall dispense or administer a complete course of a post-exposure
14	prophylaxis drug as long as all of the following conditions are met:
15	(i) The pharmacist screens the patient and determines that the exposure occurred within the
16	previous seventy-two (72) hours and the patient otherwise meets the clinical criteria for a post-
17	exposure prophylaxis drug under CDC guidelines;
18	(ii) The pharmacist provides HIV testing to the patient or determines that the patient is
19	willing to undergo HIV testing consistent with CDC guidelines. If the patient refuses to undergo
20	HIV testing but is otherwise eligible for a post-exposure prophylaxis drug under this subsection,
21	the pharmacist may dispense or administer a post-exposure prophylaxis drug;
22	(iii) The pharmacist provides counseling to the patient, consistent with CDC guidelines, on
23	the use of a post-exposure prophylaxis drug. The pharmacist shall also inform the patient of the
24	availability of a PrEP or PEP drug for persons who are at substantial risk of acquiring HIV; and
25	(iv) The pharmacist notifies the patient's primary care provider of the dispensing or
26	administering of the post-exposure prophylaxis drug. If the patient does not have a primary care
27	provider, or refuses consent to notify the patient's primary care provider, the pharmacist shall
28	provide the patient a list of physicians, clinics or other health care providers to contact regarding
29	follow-up care.
30	(4) The board shall promulgate rules and regulations establishing standards for authorizing
31	pharmacists to prescribe, dispense and administer HIV prevention drugs in accordance with this
32	section, including adequate training requirements and protocols for when there is no prescription
33	drug order, standing order or collaborative practice agreement.
34	SECTION 3. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service

2	27-20-79. Coverage for treatment of pre-exposure prophylaxis (PrEP) for the
3	prevention of HIV and post-exposure prophylaxis (PEP) to prevent HIV infection.
4	(a) Every group health insurance contract, or every group hospital or medical expense
5	insurance policy, plan, or group policy delivered, issued for delivery, or renewed in this state, by
6	any health insurance carrier, on or after January 1, 2024, shall provide coverage for treatment of
7	pre-exposure prophylaxis ("PrEP") for the prevention of HIV and post-exposure prophylaxis
8	("PEP") to prevent HIV infection.
9	(b) When PrEP or PEP is recommended with a grade of "A" or "B" by the U.S. Preventive
10	Services Taskforce, then the coverage shall be provided without applying any copayments,
11	deductibles, coinsurance, or other cost sharing, and medical management shall be limited, in
12	accordance with the processes outlined in 42 U.S.C. § 300gg-13 and related regulations and
13	guidance.
14	(c) Notwithstanding any provision of law to the contrary and as authorized by the Rhode
15	Island board of pharmacy (the "board") in accordance with rules and regulations adopted under
16	subsection (d) of this section, a pharmacist may prescribe, dispense and administer HIV PrEP or
17	PEP drugs (hereinafter sometimes referred to as "prevention drugs") as described in subsection (a)
18	of this section pursuant to a standing order or collaborative practice agreement or to protocols
19	developed by the board for when there is no prescription drug order, standing order or collaborative
20	practice agreement in accordance with the requirements in this subsection and may also order
21	laboratory testing for HIV infection as necessary.
22	(1) Before furnishing an HIV PrEP or PEP drug to a patient, a pharmacist shall complete a
23	training program approved by the board on the use of protocols developed by the board for
24	prescribing, dispensing and administering an HIV prevention drug, on the requirements for any
25	laboratory testing for HIV infection and on guidelines for prescription adherence and best practices
26	to counsel patients prescribed an HIV prevention drug.
27	(2) A pharmacist shall dispense or administer a PrEP or PEP drug in at least a thirty (30)
28	day supply, and up to a sixty (60) day supply, as long as all of the following conditions are met:
29	(i) The patient tests negative for HIV infection, as documented by a negative HIV test result
30	obtained within the previous seven (7) days. If the patient does not provide evidence of a negative
31	HIV test result, the pharmacist shall order an HIV test. If the test results are not transmitted directly
32	to the pharmacist, the pharmacist shall verify the test results to the pharmacist's satisfaction. If the
33	patient tests positive for HIV infection, the pharmacist or person administering the test shall direct
34	the patient to a primary care provider and provide a list of primary care providers and clinics within

Corporations" is hereby amended by adding thereto the following section:

1	a reasonable travel distance of the patient's residence;
2	(ii) The patient does not report any signs or symptoms of acute HIV infection on a self-
3	reporting checklist of acute HIV infection signs and symptoms;
4	(iii) The patient does not report taking any contraindicated medications;
5	(iv) The pharmacist provides counseling to the patient, consistent with CDC guidelines, or
6	the ongoing use of a PrEP or PEP drug. The pharmacist shall notify the patient that the patient shall
7	be seen by a primary care provider to receive subsequent prescriptions for a PrEP or PEP drug and
8	that a pharmacist shall not dispense or administer more than a sixty (60) day supply of a PrEP or
9	PEP drug to a single patient once every two (2) years without a prescription;
0	(v) The pharmacist documents, to the extent possible, the services provided by the
1	pharmacist in the patient's record in the patient profile record system maintained by the pharmacy
12	The pharmacist shall maintain records of PrEP or PEP drugs dispensed or administered to each
13	patient;
14	(vi) The pharmacist does not dispense or administer more than a sixty (60) day supply of a
15	PrEP or PEP drug to a single patient once every two (2) years, unless otherwise directed by a
16	practitioner; and
17	(vii) The pharmacist notifies the patient's primary care provider that the pharmacist
18	completed the requirements specified in this subsection. If the patient does not have a primary care
19	provider, or refuses consent to notify the patient's primary care provider, the pharmacist shall
20	provide the patient a list of physicians, clinics or other health care providers to contact regarding
21	follow-up care.
22	(3) A pharmacist shall dispense or administer a complete course of a post-exposure
23	prophylaxis drug as long as all of the following conditions are met:
24	(i) The pharmacist screens the patient and determines that the exposure occurred within the
25	previous seventy-two (72) hours and the patient otherwise meets the clinical criteria for a post-
26	exposure prophylaxis drug under CDC guidelines;
27	(ii) The pharmacist provides HIV testing to the patient or determines that the patient is
28	willing to undergo HIV testing consistent with CDC guidelines. If the patient refuses to undergo
29	HIV testing but is otherwise eligible for a post-exposure prophylaxis drug under this subsection
30	the pharmacist may dispense or administer a post-exposure prophylaxis drug;
31	(iii) The pharmacist provides counseling to the patient, consistent with CDC guidelines, or
32	the use of a post-exposure prophylaxis drug. The pharmacist shall also inform the patient of the
33	availability of a PrEP or PEP drug for persons who are at substantial risk of acquiring HIV; and
2/1	(iv) The phermagist notifies the nationals primary care provider of the dispensing or

1	administering of the post-exposure prophylaxis drug. If the patient does not have a primary care
2	provider, or refuses consent to notify the patient's primary care provider, the pharmacist shall
3	provide the patient a list of physicians, clinics or other health care providers to contact regarding
4	follow-up care.
5	(d) The board shall promulgate rules and regulations establishing standards for authorizing
6	pharmacists to prescribe, dispense and administer HIV prevention drugs in accordance with this
7	section, including adequate training requirements and protocols for when there is no prescription
8	drug order, standing order or collaborative practice agreement.
9	SECTION 4. Chapter 27-41 of the General Laws entitled "Health Maintenance
10	Organizations" is hereby amended by adding thereto the following section:
11	27-41-96. Coverage for treatment of pre-exposure prophylaxis (PrEP) for the
12	prevention of HIV and post-exposure prophylaxis (PEP) to prevent HIV infection.
13	(a) Every group health insurance contract, or every group hospital or medical expense
14	insurance policy, plan, or group policy delivered, issued for delivery, or renewed in this state, by
15	any health insurance carrier, on or after January 1, 2024, shall provide coverage for treatment of
16	pre-exposure prophylaxis ("PrEP") for the prevention of HIV and post-exposure prophylaxis
17	("PEP") to prevent HIV infection.
18	(b) When PrEP or PEP is recommended with a grade of "A" or "B" by the U.S. Preventive
19	Services Taskforce, then the coverage shall be provided without applying any copayments,
20	deductibles, coinsurance, or other cost sharing, and medical management shall be limited, in
21	accordance with the processes outlined in 42 U.S.C. § 300gg-13 and related regulations and
22	guidance.
23	(c) Notwithstanding any provision of law to the contrary and as authorized by the Rhode
24	Island board of pharmacy (the "board") in accordance with rules and regulations adopted under
25	subsection (d) of this section, a pharmacist may prescribe, dispense and administer HIV PrEP or
26	PEP drugs (hereinafter sometimes referred to as "prevention drugs") as described in subsection (a)
27	of this section pursuant to a standing order or collaborative practice agreement or to protocols
28	developed by the board for when there is no prescription drug order, standing order or collaborative
29	practice agreement in accordance with the requirements in this subsection and may also order
30	laboratory testing for HIV infection as necessary.
31	(1) Before furnishing an HIV PrEP or PEP drug to a patient, a pharmacist shall complete a
32	training program approved by the board on the use of protocols developed by the board for
33	prescribing, dispensing and administering an HIV prevention drug, on the requirements for any
34	laboratory testing for HIV infection and on guidelines for prescription adherence and best practices

1	to counsel patients prescribed an HIV prevention drug.
2	(2) A pharmacist shall dispense or administer a PrEP or PEP drug in at least a thirty (30)
3	day supply, and up to a sixty (60) day supply, as long as all of the following conditions are met:
4	(i) The patient tests negative for HIV infection, as documented by a negative HIV test result
5	obtained within the previous seven (7) days. If the patient does not provide evidence of a negative
6	HIV test result, the pharmacist shall order an HIV test. If the test results are not transmitted directly
7	to the pharmacist, the pharmacist shall verify the test results to the pharmacist's satisfaction. If the
8	patient tests positive for HIV infection, the pharmacist or person administering the test shall direct
9	the patient to a primary care provider and provide a list of primary care providers and clinics within
10	a reasonable travel distance of the patient's residence;
11	(ii) The patient does not report any signs or symptoms of acute HIV infection on a self-
12	reporting checklist of acute HIV infection signs and symptoms;
13	(iii) The patient does not report taking any contraindicated medications;
14	(iv) The pharmacist provides counseling to the patient, consistent with CDC guidelines, on
15	the ongoing use of a PrEP or PEP drug. The pharmacist shall notify the patient that the patient shall
16	be seen by a primary care provider to receive subsequent prescriptions for a PrEP or PEP drug and
17	that a pharmacist shall not dispense or administer more than a sixty (60) day supply of a PrEP or
18	PEP drug to a single patient once every two (2) years without a prescription;
19	(v) The pharmacist documents, to the extent possible, the services provided by the
20	pharmacist in the patient's record in the patient profile record system maintained by the pharmacy.
21	The pharmacist shall maintain records of PrEP or PEP drugs dispensed or administered to each
22	patient;
23	(vi) The pharmacist does not dispense or administer more than a sixty (60) day supply of a
24	PrEP or PEP drug to a single patient once every two (2) years, unless otherwise directed by a
25	practitioner; and
26	(vii) The pharmacist notifies the patient's primary care provider that the pharmacist
27	completed the requirements specified in this subsection. If the patient does not have a primary care
28	provider, or refuses consent to notify the patient's primary care provider, the pharmacist shall
29	provide the patient a list of physicians, clinics or other health care providers to contact regarding
30	follow-up care.
31	(3) A pharmacist shall dispense or administer a complete course of a post-exposure
32	prophylaxis drug as long as all of the following conditions are met:
33	(i) The pharmacist screens the patient and determines that the exposure occurred within the
34	previous seventy-two (72) hours and the natient otherwise meets the clinical criteria for a post-

1	exposure prophylaxis drug under CDC guidelines;
2	(ii) The pharmacist provides HIV testing to the patient or determines that the patient is
3	willing to undergo HIV testing consistent with CDC guidelines. If the patient refuses to undergo
4	HIV testing but is otherwise eligible for a post-exposure prophylaxis drug under this subsection,
5	the pharmacist may dispense or administer a post-exposure prophylaxis drug;
6	(iii) The pharmacist provides counseling to the patient, consistent with CDC guidelines, on
7	the use of a post-exposure prophylaxis drug. The pharmacist shall also inform the patient of the
8	availability of a PrEP or PEP drug for persons who are at substantial risk of acquiring HIV; and
9	(iv) The pharmacist notifies the patient's primary care provider of the dispensing or
10	administering of the post-exposure prophylaxis drug. If the patient does not have a primary care
11	provider, or refuses consent to notify the patient's primary care provider, the pharmacist shall
12	provide the patient a list of physicians, clinics or other health care providers to contact regarding
13	follow-up care.
14	(4) The board shall promulgate rules and regulations establishing standards for authorizing
15	pharmacists to prescribe, dispense and administer HIV prevention drugs in accordance with this
16	section, including adequate training requirements and protocols for when there is no prescription
17	drug order, standing order or collaborative practice agreement.
18	SECTION 5. This act shall take effect upon passage.
	 LC002548/SUB_A

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

This act would require health insurance coverage for the treatment of pre-exposure 1 2 prophylaxis (PrEP) for the prevention of HIV and post-exposure prophylaxis (PEP) to prevent HIV 3 infection, commencing January 1, 2024. This act would also direct the board of pharmacy to 4 promulgate rules and regulations establishing standards for authorizing pharmacists to prescribe, dispense and administer HIV prevention drugs in accordance with this section, including adequate 5 training requirements and protocols for when there is no prescription drug order, standing order or 6 7 collaborative practice agreement. 8

This act would take effect upon passage.

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