

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0100.01 Kristen Forrestal x4217

HOUSE BILL 20-1061

HOUSE SPONSORSHIP

Valdez A. and Herod,

SENATE SPONSORSHIP

Moreno,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PHARMACISTS' ABILITY TO PROVIDE HIV INFECTION**
102 **PREVENTION MEDICATIONS TO PATIENTS, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

With regard to coverage under a health benefit plan for HIV infection prevention medications, the bill:

- ! Prevents a health insurance carrier from requiring a covered person to undergo step therapy or to receive prior authorization before receiving HIV infection prevention

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
Amended 2nd Reading
March 2, 2020

- ! drugs;
- ! Requires carriers to cover HIV infection prevention drugs prescribed or dispensed by a pharmacist and to provide an adequate consultative fee to those pharmacists; and
- ! Allows a pharmacist to prescribe and dispense HIV infection prevention drugs if the pharmacist fulfills specific requirements.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 10-16-102, **add**
3 (27.5), (38.5), (50.5), and (50.7) as follows:

4 **10-16-102. Definitions.** As used in this article 16, unless the
5 context otherwise requires:

6 (27.5) "FDA" MEANS THE FOOD AND DRUG ADMINISTRATION IN
7 THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR
8 ANY SUCCESSOR ENTITY.

9 (38.5) "HIV INFECTION PREVENTION DRUG" MEANS PREEXPOSURE
10 PROPHYLAXIS, POST-EXPOSURE PROPHYLAXIS, OR OTHER DRUGS APPROVED
11 BY THE FDA FOR THE PREVENTION OF HIV INFECTION.

12 (50.5) "POST-EXPOSURE PROPHYLAXIS" MEANS A DRUG OR DRUG
13 COMBINATION THAT MEETS THE SAME CLINICAL ELIGIBILITY
14 RECOMMENDATIONS PROVIDED IN CDC GUIDELINES, AS DEFINED IN
15 SECTION 12-280-125.7.

16 (50.7) "PREEXPOSURE PROPHYLAXIS" MEANS A DRUG OR DRUG
17 COMBINATION THAT MEETS THE SAME CLINICAL ELIGIBILITY
18 RECOMMENDATIONS PROVIDED IN CDC GUIDELINES, AS DEFINED IN
19 SECTION 12-280-125.7.

20 **SECTION 2.** In Colorado Revised Statutes, 10-16-104, **add**
21 (18)(e) as follows:

22 **10-16-104. Mandatory coverage provisions - definitions -**

1 **rules. (18) Preventive health care services. (e) (I)** ALL INDIVIDUAL
2 AND GROUP HEALTH BENEFIT PLANS MUST PROVIDE COVERAGE FOR HIV
3 INFECTION PREVENTION DRUGS THAT ARE PRESCRIBED AND DISPENSED
4 PURSUANT TO SECTION 12-280-125.7.

5 (II) THE CARRIER SHALL PROVIDE A PHARMACIST WHO PRESCRIBES
6 AND DISPENSES HIV INFECTION PREVENTION DRUGS PURSUANT TO
7 SECTION 12-280-125.7 AN ADEQUATE CONSULTATIVE FEE, OR, IF MEDICAL
8 BILLING IS NOT AVAILABLE, AN ENHANCED DISPENSING FEE, THAT IS
9 EQUIVALENT OR THAT IS PROVIDED TO A PHYSICIAN OR ADVANCED
10 PRACTICE NURSE.

11 (III) THIS SUBSECTION (18)(e) DOES NOT APPLY TO AN INTEGRATED
12 HEALTH CARE DELIVERY SYSTEM THAT DISPENSES A MAJORITY OF
13 PRESCRIPTION DRUGS THROUGH INTEGRATED PHARMACIES.

14 **SECTION 3.** In Colorado Revised Statutes, **add** 10-16-152 as
15 follows:

16 **10-16-152. HIV prevention medication - limitations on**
17 **carriers - step therapy - prior authorization.** A CARRIER SHALL NOT
18 REQUIRE A COVERED PERSON TO UNDERGO STEP THERAPY OR TO RECEIVE
19 PRIOR AUTHORIZATION BEFORE A PHARMACIST MAY, PURSUANT TO
20 SECTION 12-280-125.7, PRESCRIBE AND DISPENSE AN HIV INFECTION
21 PREVENTION DRUG.

22 **SECTION 4.** In Colorado Revised Statutes, 12-280-103, **amend**
23 (39)(c)(II)(C) and (39)(d); and **add** (39)(e) as follows:

24 **12-280-103. Definitions - rules.** As used in this article 280, unless
25 the context otherwise requires or the term is otherwise defined in another
26 part of this article 280:

27 (39) "Practice of pharmacy" means:

1 (c) The provision of a therapeutic interchange selection or a
2 therapeutically equivalent selection to a patient if, during the patient's stay
3 at a nursing care facility or a long-term acute care hospital licensed under
4 part 1 of article 3 of title 25, the selection has been approved for the
5 patient:

6 (II) By one of the following health care providers:

7 (C) An advanced practice nurse prescriber licensed as a
8 professional nurse under section 12-255-110, registered as an advanced
9 practice nurse under section 12-255-111, and authorized to prescribe
10 controlled substances or prescription drugs pursuant to section
11 12-255-112, if the advanced practice nurse prescriber has developed an
12 articulated plan to maintain ongoing collaboration with physicians and
13 other health care professionals; and

14 (d) The dispensing of chronic maintenance drugs pursuant to
15 section 12-280-125.5 and board rules adopted in accordance with that
16 section; AND

17 (e) THE PRESCRIBING AND DISPENSING OF POST-EXPOSURE
18 PROPHYLAXIS, AS DEFINED IN SECTION 12-280-125.7 (1)(d), FOR
19 NONOCCUPATIONAL EXPOSURE TO HIV INFECTION AND PREEXPOSURE
20 PROPHYLAXIS, AS DEFINED IN SECTION 12-280-125.7 (1)(e), AND THE
21 ORDERING OF LAB TESTS IN CONJUNCTION WITH PRESCRIBING OR
22 DISPENSING THE DRUGS.

23 **SECTION 5.** In Colorado Revised Statutes, add 12-280-125.7 as
24 follows:

25 **12-280-125.7. Pharmacists' authority to prescribe and**
26 **dispense HIV infection prevention drugs - definitions - rules. (1) AS**
27 **USED IN THIS SECTION:**

1 (a) "CDC" MEANS THE FEDERAL CENTERS FOR DISEASE CONTROL
2 AND PREVENTION IN THE UNITED STATES DEPARTMENT OF HEALTH AND
3 HUMAN SERVICES, OR ANY SUCCESSOR ENTITY.

4 (b) "CDC GUIDELINES" MEANS THE CDC GUIDELINES FOR
5 PREEXPOSURE PROPHYLAXIS FOR THE PREVENTION OF HIV INFECTION AND
6 THE "UPDATED GUIDELINES FOR ANTIRETROVIRAL POST-EXPOSURE
7 PROPHYLAXIS AFTER SEXUAL, INJECTION DRUG USE, OR OTHER
8 NONOCCUPATIONAL EXPOSURE TO HIV", AND ANY ANALOGOUS
9 SUBSEQUENT GUIDELINES PUBLISHED BY THE CDC.

10 (c) "HIV INFECTION PREVENTION DRUG" MEANS PREEXPOSURE
11 PROPHYLAXIS, POST-EXPOSURE PROPHYLAXIS, OR OTHER DRUGS APPROVED
12 BY THE FDA FOR THE PREVENTION OF HIV INFECTION.

13 (d) "POST-EXPOSURE PROPHYLAXIS" MEANS A DRUG OR DRUG
14 COMBINATION THAT MEETS THE SAME CLINICAL ELIGIBILITY
15 RECOMMENDATIONS PROVIDED IN CDC GUIDELINES.

16 (e) "PREEXPOSURE PROPHYLAXIS" MEANS A DRUG OR DRUG
17 COMBINATION THAT MEETS THE SAME CLINICAL ELIGIBILITY
18 RECOMMENDATIONS PROVIDED IN CDC GUIDELINES.

19 (2) A PHARMACIST MAY PRESCRIBE AND DISPENSE HIV INFECTION
20 PREVENTION DRUGS IN ACCORDANCE WITH THIS SECTION.

21 (3) BEFORE PRESCRIBING OR DISPENSING HIV INFECTION
22 PREVENTION DRUGS TO A PATIENT, A PHARMACIST MUST:

23 (a) HOLD A CURRENT LICENSE TO PRACTICE IN COLORADO;

24 (b) BE ENGAGED IN THE PRACTICE OF PHARMACY;

25 (c) HAVE EARNED A DOCTORATE OF PHARMACY DEGREE OR
26 COMPLETED AT LEAST FIVE YEARS OF EXPERIENCE AS A LICENSED
27 PHARMACIST;

1 (d) CARRY ADEQUATE PROFESSIONAL LIABILITY INSURANCE AS
2 DETERMINED BY THE BOARD; AND

3 (e) COMPLETE A TRAINING PROGRAM ACCREDITED BY THE
4 ACCREDITATION COUNCIL FOR PHARMACY EDUCATION, OR ITS SUCCESSOR
5 ENTITY, PURSUANT TO THE PROTOCOL DEVELOPED BY THE BOARD.

6 (4) THE BOARD SHALL PROMULGATE RULES NECESSARY TO
7 IMPLEMENT THIS SECTION, INCLUDING RULES THAT ESTABLISH PROTOCOLS
8 FOR PRESCRIBING AND DISPENSING PREEXPOSURE PROPHYLAXIS AND
9 POST-EXPOSURE PROPHYLAXIS.

10 **SECTION 6. Appropriation.** For the 2020-21 state fiscal year,
11 \$13,347 is appropriated to the department of regulatory agencies for use
12 by the division of insurance. This appropriation is from the division of
13 insurance cash fund created in section 10-1-103 (3), C.R.S., and is based
14 on an assumption that the division will require an additional 0.2 FTE. To
15 implement this act, the division may use this appropriation for personal
16 services.

17 **SECTION 7. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.