

SENATE No. 2597

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 pharmacy testing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>4/7/2021</i>

SENATE No. 2597

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2597) (subject to Joint Rule 12) of Bruce E. Tarr, Bradley H. Jones, Jr. and Steven S. Howitt for legislation relative to pharmacy testing. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to pharmacy testing.

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. This section now and causing the specimen
11 to be sent to a laboratory with the capacity to perform the test.

12 The laboratory shall be authorized under federal and State law to perform the test,
13 including, but not limited to, the federal "Clinical Laboratory Improvement Amendments of
14 1988 (CLIA)," Pub. L. 100-578 (42 U.S.C. s.263a), and relevant state regulations. If the test
15 which is administered is one for which the analysis can be performed at a CLIA-waived facility
16 or pharmacy and if the pharmacy at which the specimen is collected has a CLIA waiver, then the
17 test may be processed at that pharmacy.

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

26 A pharmacist who tests or screens for and initiates treatment or therapy for a health
27 condition in accordance with the statewide protocol established pursuant to this Section may use
28 any test that guides diagnosis or clinical decision-making which the Centers for Medicare and
29 Medicaid Services has determined qualifies for a waiver in accordance with the federal Clinical
30 Laboratory Improvement Amendments of 1988, or the federal rules adopted thereunder, or any
31 established screening procedure that can safely be performed by a pharmacist under the
32 pharmacist's professional license.

- 33 An insurance carrier and/or pharmacy benefit manager shall develop adequate provider
- 34 and consult codes as authorized by this act for pharmacy compensation.