HOUSE DOCKET, NO. 4325 FILED ON: 5/15/2023

HOUSE . . . . . No. 4066

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:
Kay Khan	*11th Middlesex*	*5/15/2023*
James C. Arena-DeRosa	*8th Middlesex*	*5/31/2023*
Alan Silvia	*7th Bristol*	*6/13/2023*
Brian W. Murray	*10th Worcester*	*6/25/2023*
Vanna Howard	*17th Middlesex*	*7/2/2023*
Rebecca L. Rausch	*Norfolk, Worcester and Middlesex*	*7/10/2023*
James B. Eldridge	*Middlesex and Worcester*	*8/16/2023*
Tommy Vitolo	*15th Norfolk*	*10/10/2023*

HOUSE DOCKET, NO. 4325 FILED ON: 5/15/2023

HOUSE . . . . . No. 4066

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

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:

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

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

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

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

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

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

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

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

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