

Amendment No. 1 to HB1823

Sexton C
Signature of Sponsor

AMEND Senate Bill No. 1677*

House Bill No. 1823

by inserting the following language immediately after the caption:

WHEREAS, it is the intent of the General Assembly to establish a method through which pharmacists may provide contraceptive therapies to patients through collaborative pharmacy practice agreements to improve the health and lives of patients and reduce the number of unintended pregnancies in Tennessee; now, therefore,

AND FURTHER AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 10, part 2, is amended by adding the following as a new section:

(a) As used in this section, "hormonal contraceptive" means a self-administered drug, or a transdermal patch applied to the skin of a patient, by the patient or by a practitioner, that releases a drug composed of a combination of hormones that are approved by the United States food and drug administration to prevent pregnancy.

(b) Pursuant to this section, a pharmacist, in good faith, is authorized to provide hormonal contraceptives according to a valid collaborative pharmacy practice agreement containing a nonpatient-specific prescriptive order and standardized procedures developed and executed by one (1) or more authorized prescribers.

(c) Pursuant to this section, a pharmacist may provide hormonal contraceptives to individuals who are:

(1) Eighteen (18) years of age or older; or

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(2) Under eighteen (18) years of age, if the individual is an emancipated minor as defined in § 39-11-106.

(d) The board of pharmacy, in collaboration with the board of medical examiners and the board of osteopathic examination, shall adopt rules to establish standard procedures for the provision of hormonal contraceptives by pharmacists. The standardized procedures adopted pursuant to this section shall require a pharmacist to:

(1) Complete a training program approved by the department of health related to the provision of hormonal contraceptives;

(2) Provide the patient with a self-screening risk assessment tool developed or approved by the department of health;

(3) Provide the patient with documentation about the hormonal contraceptive that was provided to the patient and advise the patient to consult with a primary care practitioner or women's healthcare practitioner;

(4) Provide the patient with a standardized factsheet that includes, but is not limited to, the indications and contraindications for use of the drug, the appropriate method for using the drug, the importance of medical follow-up, and other appropriate information;

(5) Provide the patient with the contact information of a primary care practitioner or women's healthcare practitioner within a reasonable period of time after provision of the hormonal contraceptive; and

(6) Either dispense the hormonal contraceptive, or refer the patient to a pharmacy that may dispense the hormonal contraceptive, as soon as practicable after the pharmacist determines that the patient should receive the medication.

(e) The rules promulgated under this section shall prohibit a pharmacist from requiring a patient to schedule an appointment with the pharmacist for the provision or dispensing of a hormonal contraceptive.

(f)

(1) A pharmacist, pharmacist's employer, or pharmacist's agent may charge an annual administrative fee for services provided pursuant to this section in addition to any costs associated with the dispensing of the drug and paid by the pharmacy benefit.

(2) Upon an oral, telephonic, electronic, or written request from a patient or customer, a pharmacist or pharmacist's employee shall disclose the total cost that a consumer would pay for pharmacist-provided hormonal contraceptives. As used in this subdivision (f)(2), "total cost" includes providing the consumer with specific information regarding the price of the hormonal contraceptive and the price of the administrative fee charged. This limitation is not intended to interfere with other contractually agreed-upon terms between a pharmacist, a pharmacist's employer, or a pharmacist's agent, and a health insurance plan or insurer. Patients who are insured or covered and receive a pharmacy benefit that covers the cost of hormonal contraceptives shall not be required to pay an administrative fee. These patients shall be required to pay co-payments pursuant to the terms and conditions of their coverage.

(g) All state and federal laws governing insurance coverage of contraceptive drugs, devices, products, and services shall apply to hormonal contraceptives provided by a pharmacist under this section.

(h) The board of pharmacy, board of medical examiners, and board of osteopathic examination are authorized to ensure compliance with this section, and each board is specifically charged with the enforcement of this section with respect to its respective licensees.

(i) Any pharmacist or prescriber acting in good faith and with reasonable care, involved in the provision of hormonal contraceptives pursuant to this section shall be immune from disciplinary or adverse administrative actions under this title for acts or omissions during the provision of a hormonal contraceptive.

(j) Any pharmacist or prescriber involved in the provision of hormonal contraceptives pursuant to this section shall be immune from civil liability in the absence of gross negligence or willful misconduct for actions authorized by this section.

(k) This section shall not apply to a valid patient-specific prescription for a hormonal contraceptive issued by an authorized prescriber and dispensed by a pharmacist pursuant to that valid prescription.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.