

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1677 - HB 1823

March 18, 2016

SUMMARY OF ORIGINAL BILL: Expands the definition of “contraceptive supplies” under the *Family Planning Act of 1971* to include oral hormonal contraceptive patches.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

IMPACT TO COMMERCE OF ORIGINAL BILL:

SUMMARY OF AMENDMENT (013297): Deletes all language in the bill. Authorizes the Chief Medical Officer of the Department of Health (“Department”) to implement a statewide collaborative pharmacy practice agreement specific to hormonal contraceptive therapy with any pharmacist licensed and practicing in this state. Authorizes any licensed pharmacist to provide hormonal contraceptives according to a collaborative practice agreement containing a nonpatient-specific prescriptive order and standardized procedures developed and executed by one or more authorized prescribers. Authorizes a pharmacist to provide hormonal contraceptives to an individual who is eighteen years of age or older or to an individual who is under the age of eighteen if such individual is an emancipated minor as defined in Tenn. Code Ann. § 39-11-106.

Requires the Board of Medical Examiners (BME), in collaboration with the Board of Osteopathic Examination (BOE) to adopt rules to establish standard procedures for the provision of hormonal contraceptives by pharmacists. Such standard procedures shall require a pharmacist to: complete a training program approved by the Department related to the provision of hormonal contraceptives; provide the patient with a self-screening risk assessment tool developed and approved by the Department of Health; 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 a women’s healthcare practitioner; provide the patient with a factsheet that includes the indications and contraindications for use of the drug, appropriate method for using the drug, the importance of a medical follow-up, and other appropriate information; provide the patient with contact information of a primary care practitioner or women’s healthcare practitioner with a reasonable period of time after provision of the hormonal contraceptive; 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. Prohibits a pharmacist from requiring the patient to schedule an appointment with a pharmacist for the provision or dispensing of a hormonal contraceptive.

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Authorizes a pharmacist, pharmacist's employer, or pharmacist's agent to charge an annual administrative fee for services provided pursuant to this proposed legislation in addition to any costs associated with the dispensing of the drug and paid by the pharmacy benefit. Requires a pharmacist or pharmacist's employee to disclose the total cost that a consumer would pay for pharmacist-provided hormonal contraceptives.

Establishes that all state and federal laws governing insurance coverage of contraceptive drugs, devices, products, and services shall apply to hormonal contraceptives provided by a pharmacist pursuant to this proposed legislation. Authorizes the Board of Pharmacy, Board of Medical Examiners, and Board of Osteopathic Examination to ensure compliance with the provisions of this proposed legislation, respective, specifically, to licensees of each board. Provides immunity to a pharmacist or prescriber, including the Chief Medical Officer from discipline or adverse administrative actions for acts or omissions during the provision of a hormonal contraceptive. Provides immunity to a pharmacist or prescriber, including the Chief Medical Officer from civil liability in the absence of gross negligence or willful misconduct for actions authorized pursuant to this proposed legislation. Establishes that the provisions of this proposed legislation do not apply to a valid patient-specific prescription for a hormonal contraceptive issued by an authorized prescriber and dispensed by a pharmacist pursuant to a valid prescription. This act shall take effect upon becoming law.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

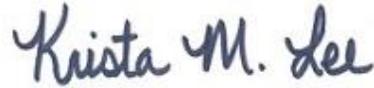
Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 68-34-104(1), it is the policy and authority of this state that all medically acceptable contraceptive procedures, supplies, and information shall be readily and practicably available to each and every person desirous of the same regardless of sex, race, age, income, number of children, marital status, citizenship or motive.
- Pursuant to Tenn. Code Ann. § 68-34-104(6), to the extent that family planning funds are available, each public health agency of this state and each of its political subdivisions shall provide contraceptive procedures, supplies, and information, including voluntary sterilization procedures for male or female persons eligible for free medical services as determined by rules and regulations promulgated by the Commissioner of the Department of Health (DOH).
- Pursuant to Tenn. Code Ann. § 68-34-105(a), the DOH is authorized to receive and disburse funds as they become available to the Department for family planning programs to any organization, public or private, engaged in providing contraceptive procedures, supplies and information.
- According to the DOH, this legislation will have no significant impact as current family planning programs operated by the DOH offer a broad range of acceptable and effective contraceptive methods.

- No impact to the Division of Benefits Administration for plans administered for state government, local government, and local education employees.
- No impact to plans administered by TennCare.
- The Board of Pharmacy, Board of Medical Examiners, and Board of Osteopathic Examination can make any changes to rules, respectively, during regularly scheduled Board meetings.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/jdb