

# Tennessee Pharmacists Association – Position Statement

## HB 1823 by Hazlewood / SB 1677 by Dickerson

**Position:** The Tennessee Pharmacists Association supports this legislation and respectfully urges members of the Tennessee General Assembly to SUPPORT HB 1823 and SB 1677. TPA believes that this legislation will expand patient access to this important class of medications and promote continued collaboration between pharmacists and other members of the multidisciplinary patient care team to increase patient access to self-administered hormonal contraceptives, while addressing safety concerns, resulting in a reduction in the number of unintended pregnancies in Tennessee.

**Why is this legislation needed?** The American College of Obstetricians and Gynecologists has called for improved access to hormonal contraceptives for women, including the possibility of over-the-counter status. Due to federal laws and insurance coverage, over-the-counter status would conflict with federal laws and would also likely reduce patient access to hormonal contraceptives. TPA believes it is important for patients to receive needed education and be provided with an opportunity to discuss different hormonal contraceptive options and proper medication use with a health care provider prior to receiving hormonal contraceptive therapy. California and Oregon have passed similar legislation and are also in the process of writing rules and enhancing pharmacist education.

**Will this legislation decrease access to hormonal contraceptives for individuals that are insured?** Both state and federal guidelines require insurance coverage for birth control, so this legislation will only affect patients that do not have access to birth control through insurance coverage. Studies have suggested that patients with an appropriate survey document can effectively self-screen for risks. The intent of the legislation is to expand patient access to hormonal contraceptives. It does not eliminate or limit any existing relationships with providers or drug delivery processes currently used by patients.

**What patients would be able to access hormonal contraceptives through pharmacists as a result of this legislation?** All women 18 years of age and greater, as well as emancipated minors less than 18 years of age, would be able to obtain hormonal contraceptives through the provision of hormonal contraceptives by pharmacists according to a collaborative pharmacy practice agreement.

**Does this legislation mandate participation by pharmacists and prescribers?** All pharmacists have the capacity and opportunity to participate in this program through collaborative pharmacy practice agreements with authorizing prescribers. However, this law is permissive and is not mandatory, so some pharmacists and prescribers may decline to participate.

**Are pharmacists qualified to participate in this type of program?** Today's typical pharmacy graduate in Tennessee has first completed a Bachelor's degree, is selected for admission through a competitive process and then completes the equivalent of four years of doctorate-level professional education, including classroom and direct patient care experiential education. All pharmacists are also required to complete ongoing continuing education through this legislation.

**What if there are side effects resulting from the use of hormonal contraceptives?**

All medications, including over-the-counter medications, have risks associated with them. The Tennessee legislation involves pharmacists, rather than providing medications over-the-counter, to assure that patients are seen by a health care provider regarding possible risks or side effects. Pharmacists, as health care professionals, accept responsibility for decisions made and carry liability insurance to protect the patient and the pharmacist.

**Does the Tennessee Pharmacists Association support the provision of hormonal contraceptives by pharmacists?** The Tennessee Pharmacists Association is an advocate for full utilization of pharmacists' expertise to positively impact the health and lives of patients and reduce the number of unintended pregnancies in Tennessee. Pharmacists' provision of hormonal contraceptive therapy in collaboration with prescribers and other health professionals is impactful and certainly within the scope of a pharmacist's education and skill set.

**Key Provisions:**

- Authorizes a pharmacist, in good faith, 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.
- Allows pharmacists to provide hormonal contraceptives to individuals that are eighteen (18) years of age or older, or emancipated minors under eighteen (18) years of age, if the conditions of the legislation are met.
- Requires the Board of Pharmacy, in collaboration with the Board of Medical Examiners and the Board of Osteopathic Examination, to adopt rules to establish standard procedures for the provision of hormonal contraceptives by pharmacists.
- Standardized procedures shall require pharmacists to:
  - Complete a hormonal contraceptive training program approved by the Department of Health
  - Provide the patient with a self-screening risk assessment tool developed and approved by the Department of Health
  - Provide the patient with a standardized factsheet that includes certain information about the hormonal contraceptive
  - 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
  - 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 hormonal contraceptive
- Authorizes the pharmacist, pharmacist's employer, or pharmacist's agent to 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.
- Requires compliance with all state and federal laws governing insurance coverage of hormonal contraceptive drugs, devices, products, and services related to hormonal contraceptives.
- Clarifies that patients that 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, but shall be required to pay co-payments pursuant to the terms and conditions of their coverage.
- Clarifies that 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.
- Prohibits a pharmacist from requiring a patient to schedule an appointment with the pharmacist for provision of the hormonal contraceptive.
- Provides immunity, for pharmacists and prescribers, from disciplinary or adverse administrative actions, as well as immunity from civil liability, for actions authorized under this section provided in good faith.

**Effective Date:** Upon becoming law.