

Model State Law to Improve Access to Sexual and Reproductive Health Services from Pharmacists

Model Legislative Text

Section I. Preamble

Whereas sexual and reproductive health is the state of physical, emotional, mental and social well-being in relation to sexuality and the reproductive system; Whereas optimal sexual and reproductive health are essential to a patient's overall health and well-being; and Whereas pharmacist education and training aligns with the clinical services needed for many sexual and reproductive health conditions.

Section II. Pharmacist-supported access to sexual and reproductive health services

(A) Definitions – The following definitions are for the purposes of pharmacist assessment, treatment, and prevention of the defined sexual and reproductive conditions.

(1) For the purpose of this act, sexual and reproductive health services are defined as pharmacist-provided assessment, treatment, and prevention of sexual and reproductive conditions, consistent with the pharmacist's training and the standard of care.

(2) For the purposes of this act, sexual and reproductive health supportive services are defined as care related to prevention and management of side effects and co-morbid conditions, including initiating, monitoring, modifying, discontinuing, or administering medications to prevent or manage such side effects and co-morbid conditions, consistent with the pharmacist's training and the standard of care.

(3) For the purposes of this act, standard of care is defined as the degree of care a prudent and reasonable licensee with similar education, training, and experience will exercise in similar circumstances and settings of care and when that care is not expressly prohibited in statutes, rules, or regulations.

(B) Pharmacist provision of sexual and reproductive health services

(1) A pharmacist may initiate, monitor, modify, discontinue, or administer medications for the management and treatment of sexual and reproductive health conditions, and provide related supportive services, consistent with the pharmacist's training and the standard of care.

(2) Pharmacists may order and administer laboratory, point-of-care tests, and related monitoring devices and interpret test results to determine the appropriate course of care and monitor medication use for the management and treatment of sexual and reproductive health conditions and related supportive services, consistent with the pharmacist's training and the standard of care.

(C) If deemed necessary, the board of pharmacy

(1) is authorized to determine the standard of care related to pharmacist-provided sexual and reproductive health services and determine when performance of an act is within the accepted standard of care being provided in a similar setting by a reasonable and prudent licensee or registrant with similar education, training, and experience.

(2) may establish a statewide protocol for pharmacist management of sexual and reproductive health conditions, including but not limited to details related to screening for patient eligibility, monitoring and safety parameters, therapy and treatment details, educational requirements, and provider referral and notification criteria.

Section III. Reimbursement for services provided

(A) Medicaid [and its Medicaid managed care issuers] shall provide direct payment to a pharmacist providing covered health care services authorized in this legislation to a Medicaid beneficiary at a rate no less than that of other health care providers for providing the same service.

(B) For health plans, policies, contracts, or agreements issued, amended, adjusted, or renewed on or after [insert date of next plan year]:

(1) Benefits may not be denied for any health care service performed by a licensed pharmacist if:

(a) The service performed was within the lawful scope of the pharmacist's license;

(b) The plan would have provided benefits if the service had been performed by another health care provider; and

(2) Health benefit plans or issuers, policies, contracts, or agreements that delegate credentialing to contracted health care facilities shall accept credentialing for pharmacists employed or contracted by those facilities. Health plans or issuers shall reimburse facilities for covered services provided by network pharmacists within the pharmacists' scope of practice per negotiations with the facility.

Section IV. Federal Preemption

(A) Nothing in this act is to be construed or applied in conflict with federal law.

Section V. Severability

(A) The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

Section VI. If deemed necessary, identification and deletion of limiting language

Recommendation to legislative council: Delete any language in the state pharmacy, medical, or other healthcare professional practice acts prohibiting pharmacists or expressly authorizing care from non-pharmacist providers only.