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# HOUSE BILL No. 1568

Proposed Changes to February 17, 2023 printing by AM156809

## DIGEST OF PROPOSED AMENDMENT

Medicaid. Removes language requiring the office of the secretary of family and social services to apply to the federal government for approval to provide Medicaid reimbursement to a pharmacist who provides hormonal contraceptive services and prescriptions to a Medicaid recipient.

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 ~~< SECTION 1. IC 12-15-1.3-6.5 IS ADDED TO THE INDIANA~~
- 2 ~~CODE AS A NEW SECTION TO READ AS FOLLOWS~~
- 3 ~~[EFFECTIVE UPON PASSAGE]: Sec. 6.5. Before July 1, 2023, the~~
- 4 ~~office shall apply to the United States Department of Health and~~
- 5 ~~Human Services to amend the state plan to reimburse a pharmacist~~
- 6 ~~for services and prescriptions provided under IC 25-26-25 to an~~
- 7 ~~eligible Medicaid recipient.~~
- 8 > SECTION ~~<~~ [1]. IC 16-19-4-12 IS ADDED TO THE INDIANA
- 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 10 [EFFECTIVE JULY 1, 2023]: Sec. 12. (a) Subject to IC 25-26-25,
- 11 before September 1, 2023, the state health commissioner or the
- 12 commissioner's designated public health authority who is a
- 13 licensed prescriber shall, as part of the individual's official
- 14 capacity, issue a standing order that allows a pharmacist to
- 15 prescribe and dispense a hormonal contraceptive patch (as defined
- 16 in IC 25-26-25-2) and a self-administered hormonal contraceptive
- 17 (as defined in IC 25-26-25-3).
- 18 (b) A standing order described in subsection (a) must comply

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1 with the requirements set forth under IC 25-26-25.

2 (c) The state health commissioner or designated public health  
3 authority who issues a standing order under subsection (a) is  
4 immune from civil liability related to the issuing of the standing  
5 order.

6 SECTION ~~↔~~[2]. IC 25-26-25 IS ADDED TO THE INDIANA  
7 CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2023]:

9 **Chapter 25. Hormonal Contraceptives**

10 **Sec. 1.** The definitions in IC 25-26-13-2 apply to this chapter.

11 **Sec. 2.** As used in this chapter, "hormonal contraceptive  
12 patch" means a transdermal patch applied to the skin of a woman,  
13 by the woman or by a pharmacist, that releases a drug composed  
14 of a combination of hormones that is approved by the federal Food  
15 and Drug Administration to prevent pregnancy. However, the term  
16 does not include a drug, substance, or device that contains a  
17 progesterone receptor antagonist.

18 **Sec. 3.** As used in this chapter, "self-administered hormonal  
19 contraceptive" means a drug:

20 (1) composed of a hormone or a combination of hormones  
21 that is approved by the federal Food and Drug  
22 Administration to prevent pregnancy; and

23 (2) that the woman to whom the drug is prescribed may  
24 administer to herself.

25 The term includes hormonal contraceptive pills. However, the term  
26 does not include a drug or substance that contains a progesterone  
27 receptor antagonist.

28 **Sec. 4.** A pharmacist may prescribe and dispense hormonal  
29 contraceptive patches and self-administered hormonal  
30 contraceptives to a woman who is at least eighteen (18) years of  
31 age, regardless of whether the woman has evidence of a previous  
32 prescription from a primary care practitioner or women's health  
33 care practitioner for a hormonal contraceptive patch or  
34 self-administered hormonal contraceptive.

35 **Sec. 5.** (a) The state health commissioner or designated public  
36 health authority shall issue a standing order that concerns  
37 standard procedures for the prescribing of hormonal contraceptive  
38 patches and self-administered hormonal contraceptives by  
39 pharmacists and that is effective until the board adopts rules under  
40 this chapter.

41 (b) Before issuing a standing order under subsection (a), the  
42 state health commissioner or designated public health authority

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- 1 shall:  
 2 (1) consult with appropriate medical experts; and  
 3 (2) receive approval of the medical licensing board of  
 4 Indiana.  
 5 (c) The standing order issued under this section must require  
 6 a pharmacist who elects to prescribe hormonal contraceptive  
 7 patches and self-administered hormonal contraceptives to do the  
 8 following:  
 9 (1) Complete a training program approved by the board that  
 10 is related to prescribing hormonal contraceptive patches and  
 11 self-administered hormonal contraceptives. The board may  
 12 adopt a training program developed by another state.  
 13 (2) Provide a self-screening risk assessment tool that the  
 14 woman must use before the pharmacist's prescribing of the  
 15 hormonal contraceptive patch or self-administered hormonal  
 16 contraceptive.  
 17 (3) Refer the woman to a primary care practitioner or the  
 18 women's health care practitioner upon prescribing and  
 19 dispensing the hormonal contraceptive patch or  
 20 self-administered hormonal contraceptive.  
 21 (4) Provide the woman with a written record of the hormonal  
 22 contraceptive patch or the self-administered hormonal  
 23 contraceptive prescribed and dispensed and advise the  
 24 woman to consult with a primary care practitioner or  
 25 women's health care practitioner.  
 26 (5) If the pharmacist works at a site which, in the regular  
 27 course of business, has a provider who is a physician,  
 28 advanced practice registered nurse, or physician assistant  
 29 who is available to deliver patient care and who is capable of  
 30 prescribing the hormonal contraceptive patch or  
 31 self-administered hormonal contraceptive, suggest that the  
 32 woman see the provider.  
 33 (6) Administer the screening protocols before issuing each  
 34 prescription for a hormonal contraceptive patch or  
 35 self-administered hormonal contraceptive.  
 36 (7) Provide that a prescription for a contraceptive patch or  
 37 self-administered hormonal contraceptive may not be for  
 38 more than a six (6) month period and that the pharmacist  
 39 may not issue a prescription to the woman after twelve (12)  
 40 months unless the woman has been seen by a physician,  
 41 advanced practice registered nurse, or physician assistant in  
 42 the previous twelve (12) month period.

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1           **Sec. 6. The board shall adopt rules under IC 4-22-2 that adopt**  
 2 **the state health commissioner's standing order under section 5 of**  
 3 **this chapter.**

4           **Sec. 7. A pharmacist may not require a woman to schedule an**  
 5 **appointment with the pharmacist for the prescribing or dispensing**  
 6 **of a hormonal contraceptive patch or self-administered hormonal**  
 7 **contraceptive.**

8           **Sec. 8. (a) A pharmacist is not required to prescribe or**  
 9 **dispense a hormonal contraceptive patch or self-administered**  
 10 **hormonal contraceptive to a woman if the pharmacist:**

11           **(1) believes that the hormonal contraceptive patch or**  
 12 **self-administered hormonal contraceptive is contraindicated;**  
 13 **or**

14           **(2) objects on ethical, moral, or religious grounds.**

15           **(b) An individual who is a pharmacy technician, pharmacy**  
 16 **technician in training, pharmacist student, or pharmacist intern is**  
 17 **not required to dispense a hormonal contraceptive patch or**  
 18 **self-administered hormonal contraceptive to a woman if the**  
 19 **individual objects on ethical, moral, or religious grounds.**

20           **Sec. 9. (a) Notwithstanding IC 25-1-9, the board shall revoke**  
 21 **the license of a pharmacist if, after appropriate notice and an**  
 22 **opportunity for a hearing, the attorney general proves by a**  
 23 **preponderance of the evidence that the pharmacist knowingly or**  
 24 **intentionally prescribed a drug under this chapter that is intended**  
 25 **to cause an abortion.**

26           **(b) A pharmacist who knowingly or intentionally prescribes a**  
 27 **drug under this chapter that is intended to cause an abortion**  
 28 **commits a level 5 felony.**

29           SECTION ~~4~~[3]. IC 34-30-2.1-197.2 IS ADDED TO THE  
 30 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2023]: **Sec. 197.2. IC 16-19-4-12 (Concerning**  
 32 **issuance of certain standing orders by the state health**  
 33 **commissioner and designated public health authorities).**

34           SECTION ~~5~~[4]. IC 35-52-25-46.8 IS ADDED TO THE  
 35 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2023]: **Sec. 46.8. IC 25-26-25-9 defines a**  
 37 **crime concerning pharmacists.**

38           SECTION ~~6~~[5]. An emergency is declared for this act.

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