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HOUSE BILL No. 1568

Proposed Changes to February 17, 2023 printing by AM156811

DIGEST OF PROPOSED AMENDMENT

Collaborative agreement. Sets forth requirements of the standing order for a pharmacist prescribing a hormonal contraceptive patch or self-administered hormonal contraceptive. Requires a pharmacist who prescribes a hormonal contraceptive patch or self-administered hormonal contraceptive to operate under a collaborative agreement with a physician. Provides an exemption. Sets forth requirements of the collaborative agreement. Requires the board of pharmacy to consult with the medical licensing board of Indiana in adopting rules. Prohibits the rules from conflicting with a standing order.

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 2. 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**

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1 (as defined in IC 25-26-25-3).

2 (b) A standing order described in subsection (a) must ~~do~~ do
 3 the following:

4 (1) Require the pharmacist to take and document the
 5 individual's blood pressure and heart rate at each visit.

6 (2) Set forth an appropriate screening tool for a pharmacist
 7 to use to prescribe a hormonal contraceptive patch or
 8 self-administered hormonal contraceptive.

9 (3) Require the pharmacist to operate under a collaborative
 10 agreement with a physician if prescribing a hormonal
 11 contraceptive patch or self-administered hormonal
 12 contraceptive to a patient who has not been issued a
 13 prescription for the contraceptive in the previous two (2)
 14 years by a physician license under IC 25-22.5.

15 (4) Comply with the requirements set forth under
 16 IC 25-26-25.

17 (c) The state health commissioner or designated public health
 18 authority who issues a standing order under subsection (a) is
 19 immune from civil liability related to the issuing of the standing
 20 order.

21 SECTION 3. IC 25-26-25 IS ADDED TO THE INDIANA CODE
 22 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]:

24 **Chapter 25. Hormonal Contraceptives**

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

26 **Sec. 2.** As used in this chapter, "hormonal contraceptive
 27 patch" means a transdermal patch applied to the skin of a woman,
 28 by the woman or by a pharmacist, that releases a drug composed
 29 of a combination of hormones that is approved by the federal Food
 30 and Drug Administration to prevent pregnancy. However, the term
 31 does not include a drug, substance, or device that contains a
 32 progesterone receptor antagonist.

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

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

38 (2) that the woman to whom the drug is prescribed may
 39 administer to herself.

40 The term includes hormonal contraceptive pills. However, the term
 41 does not include a drug or substance that contains a progesterone
 42 receptor antagonist.

43 **Sec. 4.** [(a)] A pharmacist may prescribe and dispense
 44 [hormonal contraceptive patches and self-administered hormonal
 45 contraceptives if the following conditions are met:

46 (1) At least one (1) of the following is met:

47 (A) The pharmacist has entered into and is operating in
 48 accordance with a collaborative agreement with a
 49 physician that meets the requirements set forth in

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1 subsection (b).

2 (B) The pharmacist is prescribing and dispensing a
 3 similar hormonal contraceptive patch or a
 4 self-administered hormonal contraceptive to a patient
 5 who has been issued a prescription for the hormonal
 6 contraceptive patch or self-administered hormonal
 7 contraceptive in the previous two (2) years by a
 8 physician licensed under IC 25-22.5.

9 (2) The pharmacist is prescribing and dispensing the
 10 [hormonal contraceptive patch~~es~~ ~~and~~] or
 11 self-administered hormonal contraceptive~~s~~ ~~to~~] for] a
 12 woman who is at least eighteen (18) years of age, regardless
 13 of whether the woman has evidence of a previous
 14 prescription from a primary care practitioner or women's
 15 health care practitioner for a hormonal contraceptive patch
 16 or self-administered hormonal contraceptive.

17 [(b) The state health commissioner or the commissioner's
 18 designated public authority shall, in consultation with physician
 19 medical experts, establish requirements that a collaborative
 20 agreement under subsection (a) must meet, including at least the
 21 following:

22 (1) Be entered into between a pharmacist and a physician
 23 licensed under IC 25-22.5 who prescribes hormonal
 24 contraceptive patches or self-administered hormonal
 25 contraceptive.

26 (2) Be in writing and submitted to the medical licensing
 27 board of Indiana.

28 (3) Include a provision that requires the physician to review:

29 (A) the first fifty (50) prescription charts of the
 30 pharmacist who the physician has entered into a
 31 collaborative agreement with; and

32 (B) at least twenty-five percent (25%) of the
 33 pharmacist's prescription charts following the fifty (50)
 34 prescriptions charts described in clause (A).

35 (4) Include a plan for patients that fall outside of the
 36 standing order or rules adopted by the board.

37 (5) Includes a referral plan and a provision that allows a
 38 patient to elect to be seen, examined, and treated by the
 39 collaborating physician.

40 (6) Requires the pharmacist to contact the collaborating
 41 physician or the collaborating physician's designee if the
 42 pharmacist determines that a patient needs to be examined
 43 by a physician.

44 (7) Includes a plan for a patient who has an emergency
 45 medical incident.

46 (c) The collaborating physician shall submit the collaborative
 47 agreement with a pharmacist and any amendment to the
 48 collaborative agreement to the medical licensing board of Indiana.
 49 The medical licensing board of Indiana shall notify the

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1 collaborating physician and the pharmacist if the medical licensing
2 board of Indiana denies the collaborative agreement. If the
3 collaborative agreement is denied by the medical licensing board
4 of Indiana, the pharmacist shall immediately stop prescribing a
5 hormonal contraceptive patch or self-administered hormonal
6 contraceptive under this chapter.

7 (d) A collaborating physician or pharmacist who enters into a
8 collaborative agreement may be disciplined by the regulating
9 board under IC 25-1-9 for wilfully violating the collaborative
10 agreement.

11 **1 Sec. 5. (a) The state health commissioner or designated public**
12 **health authority shall issue a standing order that concerns**
13 **standard procedures for the prescribing of hormonal contraceptive**
14 **patches and self-administered hormonal contraceptives by**
15 **pharmacists and that is effective until the board adopts rules under**
16 **this chapter.**

17 **(b) Before issuing a standing order under subsection (a), the**
18 **state health commissioner or designated public health authority**
19 **shall:**

20 **(1) consult with appropriate medical experts; and**

21 **(2) receive approval of the medical licensing board of**
22 **Indiana.**

23 **(c) The standing order issued under this section must require**
24 **a pharmacist who elects to prescribe hormonal contraceptive**
25 **patches and self-administered hormonal contraceptives to do the**
26 **following:**

27 **(1) Complete a training program approved by the board that**
28 **is related to prescribing hormonal contraceptive patches and**
29 **self-administered hormonal contraceptives. The board may**
30 **adopt a training program developed by another state.**

31 **(2) Provide a self-screening risk assessment tool that the**
32 **woman must use before the pharmacist's prescribing of the**
33 **hormonal contraceptive patch or self-administered hormonal**
34 **contraceptive.**

35 **(3) Refer the woman to a primary care practitioner or the**
36 **women's health care practitioner upon prescribing and**
37 **dispensing the hormonal contraceptive patch or**
38 **self-administered hormonal contraceptive.**

39 **(4) Provide the woman with a written record of the hormonal**
40 **contraceptive patch or the self-administered hormonal**
41 **contraceptive prescribed and dispensed and advise the**
42 **woman to consult with a primary care practitioner or**
43 **women's health care practitioner.**

44 **(5) If the pharmacist works at a site which, in the regular**
45 **course of business, has a provider who is a physician,**
46 **advanced practice registered nurse, or physician assistant**
47 **who is available to deliver patient care and who is capable of**
48 **prescribing the hormonal contraceptive patch or**
49 **self-administered hormonal contraceptive, suggest that the**

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1 woman see the provider.

2 (6) Administer the screening protocols before issuing each
3 prescription for a hormonal contraceptive patch or
4 self-administered hormonal contraceptive.

5 (7) Provide that a prescription for a contraceptive patch or
6 self-administered hormonal contraceptive may not be for
7 more than a six (6) month period and that the pharmacist
8 may not issue a prescription to the woman after twelve (12)
9 months unless the woman has been seen by a physician,
10 advanced practice registered nurse, or physician assistant in
11 the previous twelve (12) month period.

12 Sec. 6. The board [, in consultation with the medical licensing
13 board of Indiana,] shall adopt rules under IC 4-22-2 that adopt the
14 state health commissioner's [or designated public health
15 authority's]standing order under section 5 of this chapter. [The
16 board may not adopt any rules under this section that conflict with
17 the standing order issued by the state health commissioner or
18 designated public health authority.]

19 []Sec. 7. A pharmacist may not require a woman to schedule
20 an appointment with the pharmacist for the prescribing or
21 dispensing of a hormonal contraceptive patch or self-administered
22 hormonal contraceptive.

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

26 (1) believes that the hormonal contraceptive patch or
27 self-administered hormonal contraceptive is contraindicated;
28 or

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

30 (b) An individual who is a pharmacy technician, pharmacy
31 technician in training, pharmacist student, or pharmacist intern is
32 not required to dispense a hormonal contraceptive patch or
33 self-administered hormonal contraceptive to a woman if the
34 individual objects on ethical, moral, or religious grounds.

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

41 (b) A pharmacist who knowingly or intentionally prescribes a
42 drug under this chapter that is intended to cause an abortion
43 commits a ~~4~~[L]level 5 felony.

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

49 SECTION 5. IC 35-52-25-46.8 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2023]: **Sec. 46.8. IC 25-26-25-9 defines a**
3 **crime concerning pharmacists.**

4 SECTION 6. **An emergency is declared for this act.**

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