

House Bill 2574

Sponsored by Representatives GRAYBER, NOSSE, Senator LIEBER; Representatives NELSON, REYNOLDS, Senator PATTERSON (at the request of Cascade AIDS Project) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires hospitals to adopt policies and procedures to ensure provision of human immunodeficiency virus post-exposure prophylactic drugs or therapies following patient's possible exposure to human immunodeficiency virus.

Requires Oregon Health Authority to prescribe by rule formula to determine number of five-day supplies of prophylactic drugs or therapies needed by type A and type B hospitals and to provide that number of five-day supplies of prophylactic drugs or therapies to each type A and type B hospital at no cost to hospital.

Prohibits health benefit plan from imposing copayments, coinsurance or other cost-sharing on coverage of human immunodeficiency virus post-exposure prophylactic drugs or therapies following enrollee's possible exposure to human immunodeficiency virus.

A BILL FOR AN ACT

1
2 Relating to post-exposure prophylaxes; creating new provisions; and amending ORS 743B.425.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) A hospital licensed under ORS 441.025 must:**

5 (a) **Adopt a policy for the prescribing and dispensing of a five-day supply of human**
6 **immunodeficiency virus post-exposure prophylactic drugs or therapies following a patient's**
7 **possible exposure to human immunodeficiency virus.**

8 (b) **Have procedures in place to ensure the hospital staff's ability to prescribe and dis-**
9 **perse five-day supplies of human immunodeficiency virus post-exposure prophylactic drugs**
10 **or therapies in accordance with the hospital policy adopted under paragraph (a) of this sub-**
11 **section.**

12 (2) **The hospital policy adopted under subsection (1) of this section must align with**
13 **guidelines issued by the Centers for Disease Control and Prevention.**

14 **SECTION 2. (1) As used in this section:**

15 (a) **"Type A hospital" means a rural hospital described in ORS 442.470 (6)(a)(A).**

16 (b) **"Type B hospital" means a rural hospital described in ORS 442.470 (6)(a)(B).**

17 (2) **The Oregon Health Authority shall prescribe by rule a formula to determine the total**
18 **number of five-day supplies of human immunodeficiency virus post-exposure prophylactic**
19 **drugs or therapies needed by a type A or type B hospital for the hospital to comply with**
20 **section 1 of this 2023 Act.**

21 (3) **At intervals determined by the authority, the authority shall provide to each type A**
22 **and type B hospital in this state, at no cost to the hospital, the number of five-day supplies**
23 **of human immunodeficiency virus post-exposure prophylactic drugs or therapies determined**
24 **in accordance with rules adopted under subsection (2) of this section.**

25 **SECTION 3. ORS 743B.425 is amended to read:**

26 **743B.425. (1) An insurer offering a health benefit plan as defined in ORS 743B.005 may not:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (a) Require prior authorization:

2 (A) During the first 60 days of treatment, including medication therapy, prescribed for opioid
3 or opiate withdrawal; or

4 (B) For post-exposure prophylactic antiretroviral drugs or at least one preexposure prophylactic
5 antiretroviral drug; [or]

6 (b) Restrict the reimbursement for medication therapies, preexposure prophylactic antiretroviral
7 drugs or post-exposure prophylactic antiretroviral drugs to in-network pharmacists or
8 pharmacies[.]; **or**

9 **(c) Require a copayment, coinsurance or other cost-sharing for the coverage of five-day**
10 **supplies of human immunodeficiency virus post-exposure prophylactic drugs or therapies**
11 **prescribed following a possible exposure to human immunodeficiency virus.**

12 (2) This section is not subject to ORS 743A.001.

13 (3) This section does not prohibit prior authorization for opioids or opiates prescribed for pur-
14 poses other than medication therapy or treatment of opioid or opiate abuse or addiction.

15 (4) Subsection (1)(b) of this section does not apply to a health maintenance organization as de-
16 fined in ORS 750.005.

17 **SECTION 4. The amendments to ORS 743B.425 by section 3 of this 2023 Act apply to**
18 **health benefit plans issued, renewed or extended on or after the effective date of this 2023**
19 **Act.**

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