



VIRTUAL TEXAS PHARMACY DAY AT THE CAPITOL

2021 ATTENDEE LEGISLATIVE BRIEFING

Following is a summary of the Texas Pharmacy Association's Legislative Priorities for the 87th Texas Legislature (2021):

PBM Reform: Protecting Patients and Pharmacists from Abusive PBM Practices

SUPPORT SB 679 (Kolkhorst) / HB 1093 (Lucio): Legislation that amends the insurance code to ensure patient choice and prohibit PBM self-dealing and pharmacy reimbursement clawbacks, maintaining patient access to local pharmacies.

KEY POINTS:

- Pharmacy Benefit Managers (PBMs) are middlemen between health plans, patients, and pharmacies.
- PBMs limit patient choice by mandating patients receive medications from affiliated mail-order pharmacies and placing restrictions on which pharmacies may dispense needed medications.
- PBMs routinely self-deal by steering patients to pharmacies they own and control.
- PBMs claw back pharmacy reimbursement months after a prescription is filled and adjudicated.
- With recent U.S. Supreme Court ruling, states can and should take action to protect patients.

The time has come for Texas to take reasonable measures on behalf of pharmacists and their patients in the name of fair competition and public health.

Maintaining Safe, Convenient Access to COVID-19 and Childhood Immunizations After the Pandemic

SUPPORT HB 678 (Cortez): Legislation that keeps children safe and healthy by allowing pharmacist immunizers to order and administer all CDC-recommended vaccines without a prescription to anyone 3 years and older.

KEY POINTS:

- Currently, during the pandemic, the federal PREP Act allows pharmacists to order and administer CDC-approved vaccines to individuals ages 3 and older.
- Pharmacists are playing a key role in administration of COVID-19 vaccinations across the state.

- Childhood immunization rates have dropped sharply during the pandemic.
- In 2017, only 44% of Texas children had a medical home—a number that is likely even lower given the current pandemic. As the most accessible healthcare providers, Texas pharmacists can help keep children properly immunized.
- Without legislative action, pharmacists will return to more limited immunization authority when the pandemic is over, including not being able to provide the COVID-19 vaccination.

Pharmacists are essential to raising childhood immunization rates. The current expanded federal immunization authority for pharmacists is only temporary. COVID-19 has shown that the law is now outdated and needs to be amended.

Increasing Patients' Access to Care by Allowing Pharmacists to "Test and Treat"

TEXAS NEEDS: Legislation that allows pharmacists to furnish medications for positive results from a CLIA-waived test for conditions such as flu and strep throat.

KEY POINTS:

- Pharmacists may already perform CLIA-waived tests on patients for influenza and strep. However, they can't furnish medication to treat these conditions should the patient receive a positive result, creating unnecessary delay in treatment and care for the patient.
- "Test and treat" for the flu and strep as soon as a patient feels symptoms is critical to speeding up recovery and minimizing the risk of spreading the disease to others.
- Increased access to care, lower costs, and improved health outcomes could be a reality for Texans by fully utilizing pharmacists.
- Treatment based on a positive CLIA-waived test would be provided through a protocol with a physician.

Pharmacists have been vital to testing Texans for COVID-19 and have administered many point-of-care tests to help determine who is infected with the coronavirus. Point-of-care "test and treat" allows for the screening and treatment process to be completed during a single encounter, thereby increasing access to care, lowering costs, and improving health outcomes.