

**Assembly Bill No. 1367**

**CHAPTER 850**

An act to add and repeal Article 6.6 (commencing with Section 14199) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

[Approved by Governor September 28, 2004. Filed with Secretary of State September 28, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1367, Steinberg. Medi-Cal: HIV/AIDS Pharmacy Pilot Program.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care services, including pharmacy services and drugs.

This bill would require the department to establish the HIV/AIDS Pharmacy Pilot Program in up to 10 pharmacies to evaluate the provision of medication therapy management services, as defined, for people with HIV/AIDS to be effective January 1, 2005, for services rendered on or after September 1, 2004. The bill would require the pilot project to provide the necessary information to assess the effectiveness of pharmacist care in improving health outcomes for HIV/AIDS patients. The bill would require the department to consult with the pilot program pharmacies to establish appropriate outcome measures and the required timeframes for reporting those measures, which are required to be at least annually. The bill would require that the pilot program participants be paid an additional dispensing fee of \$9.50 per prescription for services rendered after September 1, 2004. The bill would provide for the repeal of its provisions on January 1, 2008.

*The people of the State of California do enact as follows:*

SECTION 1. Article 6.6 (commencing with Section 14199) is added to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 6.6. HIV/AIDS Pharmacy Pilot Program

14199. The department shall establish a pilot program to evaluate the provision of medication therapy management services for people



with HIV/AIDS to be effective January 1, 2005, for services rendered on or after September 1, 2004.

14199.1. For purposes of this article, “medication therapy management” means a distinct service or group of services that optimize therapeutic outcomes for individual patients. Medication therapy management services are independent of, but can occur in conjunction with, the provision of a medication product.

14199.2. (a) The pilot program provided for under this article shall provide the necessary information to assess the effectiveness of pharmacist care in improving health outcomes for HIV/AIDS patients.

(b) The department shall implement an HIV/AIDS-related medication therapy management service pilot project in no more than 10 pharmacies.

(c) The selection of the pharmacy providers shall be based on all of the following:

(1) Percentage of HIV/AIDS patients serviced by the pharmacy. More than 90 percent of the total patients serviced by the pharmacy in the months of May, June, and July 2004, must have been HIV/AIDS patients.

(2) Ability of the pharmacy to immediately provide specialized services. The provider shall be required to establish specialized services with capability to implement all statutorily mandated services on the implementation date of the project. The pharmacy shall provide all the services listed in subdivision (e).

(3) All specialized services shall be rendered by a qualified pharmacist or other health care provider operating within his or her scope of practice. The department shall develop, in consultation with pharmacy providers, the appropriate professional qualifications needed by the pharmacists rendering services, including any continuing education requirements.

(d) The department shall select the first pharmacies that apply and meet the criteria specified in subdivision (c) for the pilot program.

(e) Pharmacies that participate in this pilot program shall provide the following services:

(1) Patient-specific and individualized services provided directly by a pharmacist to the patient, or in limited circumstances, the patient’s caregiver. These services are distinct from generalized patient education and information activities already required by law and provided for in the professional fee for dispensing.

(2) Face-to-face interaction between the patient or caregiver and the pharmacist during delivery of medication therapy management services. When barriers to face-to-face communication exist, patients shall have equitable access to appropriate alternative delivery methods.



(3) Pharmacists and other qualified health care providers to identify patients who should receive medication therapy management services.

(f) The department shall consult with the pilot program pharmacies to establish appropriate outcome measures and the required timeframes for reporting those measures, which in no case shall be less than annually. The department shall retain the ability to require additional outcome measures during the course of the project.

(g) The medication therapy management services shall be based on the individual patient's needs and may include, but are not limited to, the following:

(1) Performing or obtaining necessary assessments of the patient's health status.

(2) Formulating a medication treatment plan.

(3) Selecting, initiating, modifying, or administering medication therapy.

(4) Monitoring and evaluating the patient's response to therapy, including safety and effectiveness.

(5) Performing a comprehensive medication review to identify, resolve, and prevent medication-related problems, including adverse drug events.

(6) Documenting the care delivered and communicating essential information to the patient's other primary care providers.

(7) Providing verbal education and training, beyond what is already required by law, that is designed to enhance patient understanding and appropriate use of the patient's medications.

(8) Providing information, support services, and resources, such as compliance packaging, designed to enhance patient adherence to his or her therapeutic regimens.

(9) Coordinating and integrating medication therapy management services within the broader health care management services being provided to the patient.

(10) Home delivery of medications.

(h) Participants in this pilot program shall be paid an additional dispensing fee of nine dollars and fifty cents (\$9.50) per prescription for services rendered after September 1, 2004.

(i) Notwithstanding any other provision of law, the department shall not make any payments for services listed in subdivision (g) that were rendered during any time period in which subdivision (b) of Section 14105.45 has been enjoined by a court order or is otherwise not in effect.

(j) Pilot project contracts under this section may be executed on a noncompetitive bid basis and shall be exempt from the requirements of Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code.



(k) Pharmacies shall maintain a sufficient quantity of HIV/AIDS medication in their inventories.

(l) Pharmacies shall purchase HIV medications from state licensed wholesalers.

14199.3. This article shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute that becomes effective on or before January 1, 2008, deletes or extends that date.

