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# Critical Issues in State Government Relations to Start 2017

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The Director of State Grassroots Advocacy and Political Action for ASHP. In this position, he works with state affiliates on state-level legislation and promotes ASHP's grassroots mobilization efforts and its political action committee, ASHP-PAC. He received his bachelor's degree from The American University, where he majored in political science and law in society. Prior to ASHP, Mr. Gentile spent ten years at the National Association of Home Builders (NAHB) working in various positions within the government affairs department. He worked with state and local government affairs issues, federal relations, grassroots mobilization and BUILD-PAC (NAHB's political action committee).



**Nicholas J. Gentile**

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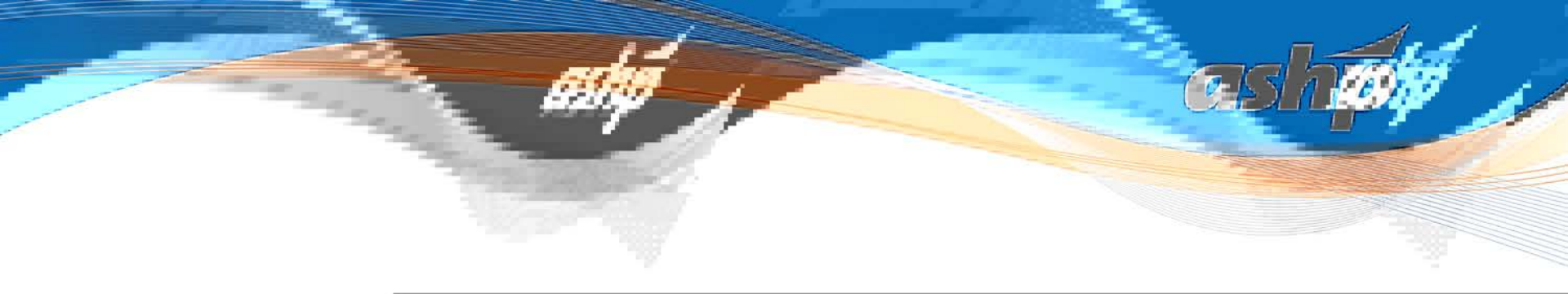
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# Critical Issues in State Government Relations to Start 2017

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# State Overview

- State Control Overview
- Provider Status and CDTM Efforts
- Opioid Abuse
- Pharmacy Technician Issues
- Drug Pricing
- Biosimilar Legislation



# State Control Overview

# State Control

- **State Governors**
  - GOP – 33 Governorships
  - Dems – 16 Governorships
  - Ind.- 1 Governorship
- **State Legislatures**
  - GOP Controlled – 32 Legislatures
  - Dem Controlled – 12 Legislatures
  - Spilt Control – 6 Legislatures



# Provider Status and CDTM Efforts



# Expanding Scopes of Practice

- CMCS released guidance on State Flexibility to Access to Drug Therapy
- Guidance outlines the need for expanding scopes of practices through CPAs, standing orders, and state-wide protocols
- CMCS guidance document and 2015 NGA white paper are good tools to lobby state boards and legislatures on expanding scope.

# State Provider Status and CDTM

- States are continuing to look at areas of opportunity to expand their state scope of practice and be recognized as providers on a state level.
- **Reminder**--Federal Legislation cites states scope of practice as reference point to reimbursement.
- Significant variation in scope—range from immunizing to prescribing oral contraceptives to reimbursement.

# How is State Provider Status Defined?

- Listed as health care provider
- Allowed to enter into a Collaborative Drug Therapy Management (CDTM) Agreement with prescribers
- Distinct designation allowing specific patient care services with additional credentialing

# What Should A Good State Provider Status Law Have?

- Perform patient assessments
- Administer vaccinations and immunizations
- Initiate, adjust, and discontinue drug therapy pursuant to CDTM
- Perform Medication Therapy Management Services (MTM)
- Manage drug therapy for chronic disease states

## Legislation Introduced in 2017

- Reimbursement/Coverage- MS, MT, NJ
- Immunizations/Vaccinations- HI, IN, KS, KY, NH, NY, TX
- Oral Contraceptives- HI, MO, NJ, SC

# Opioid Abuse

# State Opioid Abuse Legislation

- 46 states have laws that address access to Naloxone
- 49 states have Prescription Drug Monitoring Programs (PDMP)
  - Most of the PDMPs are not interoperable
- 21 states already have some type of legislation introduced in 2017

# Themes in Opioid Legislation

- Prescription Drug Monitoring Programs
  - Bolster access and mandate the usage
- Opioid and Pain Management Training
  - Require prescribers and healthcare professionals CE
- Restricted Supply
  - Allowing for only a 7 day supply
- Drug Take Back Programs
- Naloxone Access Expansion



# Legislation in 2017

- PDMP Creation or Expansion- AZ, AR, CO, FL, IN, IA, MO, MS, MT, NE, NV, NY, OR, SD, VA, WA
- Opioids Training- IN, NJ, NY, OR
- Restricted Supply- NJ, OR, VA, WA, UT
- Take Back Program – CT, NV, NJ, NY, OR, WA
- Naloxone Expansion- NJ, OK, WY



# Pharmacy Technician Issues

## The Ebb and Flow: State Technician Issues

- Technician issues on a state level will always be evergreen!
  - Getting states to raise their standard
  - Defending against states that want to lower their standard
  - Educating states on the PTCB 2020 mandate and the reason for a uniform standard

# Legislation in 2017

- Ohio just passed a law that registers all pharmacy technicians by the state board of pharmacy
- Six states have already introduced legislation in 2017
  - AZ, KS, NE, SD, TX, and WY
- Texas is involved in a battle over PTCB certification



# Drug Pricing

# Drug Pricing

- Common Themes for Drug Transparency Legislation
  - Set price per dose (activates reporting)
  - List of drugs broken down into groups (activates reporting)
  - Mandates drug companies to release to regulating body all costs associated with drug (R&D, advertising, etc)
  - Drug reports would be in public record for anyone to access

# Upcoming Activity on Drug Pricing

- Ohio Ballot Initiative in November
  - Mandates the state to negotiate drug prices at the VA level
  - California had a similar initiative in 2016 that failed
- States that have introduced legislation on drug pricing:
  - IL, MT, NY, OR, RI and VA
- Still only on Vermont has passed state drug pricing legislation to date



# Biosimilar Legislation



# Biosimilars

- The FDA finally released their guidance on interchangeability in mid January
- The “national coalition” compromise is still going strong with a 5 business day notification for physicians
- Already four states have introduced biosimilar legislation
- Another 10 states are rumored to be active on this issue.

# State Biosimilar Legislation

- States with draft language or introduced legislation:
  - AL, AK, AR, IA, KS, MN, MT, NE, NM, NV, SC and WY
- States that are target by the “national coalition” are: CT, NY, and VT

# Questions?

