



## DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

March 24, 2022

The Honorable Shane Pendergrass  
Chair, House Health and Government Operations Committee  
Room 241, House Office Building  
Annapolis, MD 21401

### **RE: SB 355 – HIV Prevention Drugs – Prescribing and Dispensing by Pharmacists and Insurance Requirements – Letter of Information**

Dear Chair Pendergrass and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of information on Senate Bill (SB) 355 – HIV Prevention Drugs – Prescribing and Dispensing by Pharmacists and Insurance Requirements.

SB 355 authorizes pharmacists to prescribe and dispense pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP) drugs, requires the Maryland Medical Assistance Program (Maryland Medicaid) to provide HIV prevention drugs, and prohibits managed care organizations (MCOs), insurers, non-profit health service plans, and health maintenance organizations (HMOs) from requiring prior authorization, step therapy, or cost-sharing for both drugs.

PEP and PrEP medications are integral to meaningful HIV prevention. PrEP is a daily medication for people at risk of acquiring HIV infection.<sup>1</sup> PEP is an as-needed medication that has been shown to reduce HIV transmission by 80 percent if taken within 72 hours of exposure.<sup>2</sup> SB 355 would enhance access to these treatments for Marylanders with limited access to healthcare.

The Maryland Medicaid program currently provides coverage of the following PrEP drugs: Truvada, Descovy, generic forms of these drugs, and Apretude. Costs for these drugs through the fee-for-service (FFS) program to MDH range from \$72.90 to \$3,699.99 for a 30-day supply. The following PEP regimens are also covered as a combination with brand or generic Truvada: Isentress, Tivicay, Prezista, Ritonavir, and Stribild. These are 28-day courses that range in cost to MDH from \$80.10 to \$3,759.30.

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<sup>1</sup> <https://www.cdc.gov/hiv/basics/prep/prep-effectiveness.html>

<sup>2</sup> Bamberger JD, Waldo CR, Gerberding JL, Katz MH. Postexposure prophylaxis for human immunodeficiency virus (HIV) infection following sexual assault. *Am J Med.* 1999 Mar. 106 (3):323-6

All HIV drugs for Maryland Medicaid's FFS program and for the managed care program (HealthChoice) have a \$1 copay for Medicaid participants. This copay is waived for pregnant women and children. If a participant cannot afford to pay the copay, the pharmacist is required to dispense the medication without collecting the copay. In Calendar Year (CY) 2021, copays related to HIV/AIDS drugs amounted to \$4,748 in the FFS program and \$140,624 in HealthChoice. These copays are considered revenue for MDH.

Benefits covered for HealthChoice participants are subject to the requirements of The Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA). Compliance with MHPAEA includes an assessment of financial requirements, such as copays, placed on medical/surgical drugs (M/S) in comparison with those in place for mental health/substance use disorder benefits. Exempting certain M/S drugs from copays would require ongoing monitoring by MDH to ensure ongoing compliance with MHPAEA, and could have implications for MDH's ability to collect behavioral health drug copays in future years if additional M/S drugs are exempt from copays. In CY 2021, copays for behavioral health drugs amount to \$3.6 million, all in the FFS program.

Finally, MDH notes that Federal Ryan White HIV/AIDS funding dollars are not currently authorized for application to PrEP coverage or ongoing care. MDH also notes that while "The Maryland Center for HIV Services" is named in SB 355, HIV prevention services are housed under the Infectious Disease Prevention and Health Services Bureau within the Prevention and Health Promotion Administration.

If you have any questions, please contact Heather Shek, Director of Governmental Affairs, at [heather.shek@maryland.gov](mailto:heather.shek@maryland.gov) or 410-767-5282.

Sincerely,



Dennis R. Schrader  
Secretary