



October 23, 2023

[submitted electronically via: [Kevin.Bagley@Nebraska.gov](mailto:Kevin.Bagley@Nebraska.gov)]

Kevin Bagley  
Director, Medicaid & Long-Term Care  
301 Centennial Mall South,  
Lincoln, Nebraska 68509

Dear Director Bagley:

The Nebraska Pharmacists Association (NPA) and the American Pharmacists Association (APhA) write to highlight the integral role pharmacists across Nebraska can play in increasing access to human immunodeficiency virus (HIV) pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP). With the recent U.S. Preventative Service Task Force (USPSTF) Grade A ranking of HIV PrEP and requirement for coverage of services and medications, we believe pharmacists will play a key role in increasing access for Nebraska Medicaid beneficiaries.

The NPA strives to be the most relevant resource in advocating, educating, and connecting our pharmacy community. You'll find our staff genuine, our commitment unwavering, and our support timely. The mission of NPA is to advance the profession of pharmacy by providing member services that support the professional needs of Nebraska pharmacy practitioners and promote pharmacists as the experts for improving medication therapy outcomes.

APhA is the largest association of pharmacists in the United States advancing the entire pharmacy profession. APhA represents pharmacists in all practice settings, including community pharmacies, hospitals, long-term care facilities, specialty pharmacies, community health centers, physician offices, ambulatory clinics, managed care organizations, hospice settings, and government facilities. Our members strive to improve medication use, advance patient care and enhance public health. APhA represents the pharmacists, student pharmacists, and pharmacy technicians that practice in numerous settings and provide care to many of your constituents. As the voice of pharmacy, APhA leads the profession and equips members for their role as the medication expert in team-based, patient-centered care. APhA inspires, innovates, and creates opportunities for members and pharmacists worldwide to optimize medication use and health for all leverage our expertise to improve health outcomes.

Pharmacists have the authority in Nebraska to prescribe HIV PrEP and PEP in accordance with a collaborative practice agreement. As one of the most accessible and trusted health care providers in their

communities,<sup>1</sup> pharmacists have a significant role to contribute in initiating access to HIV PrEP/PEP and providing culturally competent and culturally sensitive care. Nearly 90% of the U.S. population lives within five miles of a community pharmacy and this high level of accessibility allows pharmacists to serve as an essential point of entrance for patients to get integrated into longitudinal and acute HIV preventative services.

In August 2023, USPSTF finalized their recommendations on the prevention of acquisition of HIV through PrEP. Their Grade A recommendation states, “that clinicians prescribe preexposure prophylaxis using effective antiretroviral therapy to persons who are at increased risk of HIV acquisition to decrease the risk of acquiring HIV.”<sup>2</sup>

**Per 42 USC §1396d(a)(13)(A), state medical assistance programs are required to cover “any clinical preventive services that are assigned a grade of A or B by the United States Preventive Services Task Force”.**<sup>3</sup>

To comply with the requirement that a USPSTF Grade A preventative service is covered by a state medical assistance program, we recommend state medical assistance programs apply to the United States Department of Health and Human Services for amendments to their state Medicaid plan and request any necessary Medicaid waiver to implement programs to reimburse pharmacists for their services. For example, state Medicaid programs can submit a state plan amendment (SPA) within attachment 3.1-A/3.1-B 6.d. to add pharmacists as other licensed practitioners (OLPs), in accordance with 42 CFR § 440.60.<sup>4</sup> States may additionally need to amend Attachment 4.19-B to include a payment methodology for licensed pharmacists if this common practice for other OLPs in the state. For example, pharmacists in Nevada recently were granted the authority to prescribe HIV pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP) through a statewide protocol. Consequently, the Nevada Medicaid program submitted a SPA<sup>5</sup> and published a billing manual<sup>6</sup> to allow pharmacists to bill for services associated with the prescribing of HIV PrEP and PEP.

NPA and APhA would welcome the opportunity to work with your office to support the addition of the pharmacist provider type under the medical benefit to comply with this Grade A Recommendation and increase access to these critical services. Please contact Marcia Mueting, PharmD, R.P., NPA Chief Executive Officer by email at [marcia.mueting@npharm.org](mailto:marcia.mueting@npharm.org), and E. Michael Murphy, PharmD, MBA, APhA Advisor for State Government Affairs by email at [mmurphy@aphanet.org](mailto:mmurphy@aphanet.org) to organize a meeting with us.

Sincerely,

Marcia Mueting, PharmD, R.P.  
Chief Executive Officer

Ilisa BG Bernstein, PharmD, JD, FAPhA

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<sup>1</sup> Berenbrok LA, Tang S, Gabriel N, Guo J, Sharareh N, Patel N, Dickson S, Hernandez I, Access to Community Pharmacies: A Nation-Wide Geographic Information Systems Cross-sectional Analysis, Journal of the American Pharmacists Association (2022), doi: <https://doi.org/10.1016/j.japh.2022.07.003>.

<sup>2</sup> <https://www.uspreventiveservicestaskforce.org/uspstf/recommendation/prevention-of-human-immunodeficiency-virus-hiv-infection-pre-exposure-prophylaxis>

<sup>3</sup> [https://uscode.house.gov/view.xhtml?req=\(title:42%20section:1396d%20edition:prelim\)#:~:text=any%20clinical%20preventive%20services%20that%20are%20assigned%20a%20grade%20of%20A%20or%20B%20by%20the%20United%20States%20Preventive%20Services%20Task%20Force](https://uscode.house.gov/view.xhtml?req=(title:42%20section:1396d%20edition:prelim)#:~:text=any%20clinical%20preventive%20services%20that%20are%20assigned%20a%20grade%20of%20A%20or%20B%20by%20the%20United%20States%20Preventive%20Services%20Task%20Force)

<sup>4</sup> <https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-C/part-440/subpart-A/section-440.60>

<sup>5</sup> <https://www.medicaid.gov/sites/default/files/2022-09/NV-21-0013.pdf>

<sup>6</sup> [https://www.medicaid.nv.gov/Downloads/provider/NV\\_BillingGuidelines\\_PT91.pdf](https://www.medicaid.nv.gov/Downloads/provider/NV_BillingGuidelines_PT91.pdf)

Nebraska Pharmacists Association

Senior Vice President, Pharmacy Practice &  
Government Affairs  
American Pharmacists Association