



Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc  
2101 East Jefferson Street  
Rockville, Maryland 20852

February 10, 2022

The Honorable Paul G. Pinsky  
Senate Education, Health, and  
Environmental Affairs Committee  
2 West, Miller Senate Office Building  
11 Bladen Street  
Annapolis, Maryland 21401

**RE: SB 355 – Oppose Unless Amended**

Dear Chair Pinsky and Members of the Committee:

Kaiser Permanente respectfully opposes SB 355, “HIV Prevention Drugs – Dispensing by Pharmacists and Insurance Requirements.” While we support expanding access to both pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP), we believe this proposal would need substantial amendments to address the concerns outlined below.

Kaiser Permanente is the largest private integrated health care delivery system in the United States, delivering health care to over 12 million members in eight states and the District of Columbia.<sup>1</sup> Kaiser Permanente of the Mid-Atlantic States, which operates in Maryland, provides and coordinates complete health care services for approximately 800,000 members. In Maryland, we deliver care to over 460,000 members.

**PrEP is not just a medication, but a comprehensive program to prevent HIV.** Our clinical experts are concerned that authorizing direct access to PrEP at a pharmacy could inhibit overall HIV prevention efforts and could negatively impact patient care. A pharmacist-driven program to help expand access and utilization to PrEP can be valuable and effective if done right. There are effective pharmacy-based PrEP programs that operate under a physician’s direction and include the various, critical elements of a PrEP program, including screening and monitoring labs, risk-reduction counseling, STI screening, and clinical follow-up. In many of our locations at Kaiser Permanente, we have trained clinical pharmacists providing PrEP through such programs, including appropriate screening for other sexually transmitted diseases and referral to substance use programs, and it works well because physicians are an integral part of the care. We are not comfortable allowing a pharmacist to independently furnish PrEP outside of a comprehensive PrEP program, which is highly specialized and requires extensive time and training.

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<sup>1</sup> Kaiser Permanente comprises Kaiser Foundation Health Plan, Inc., the nation’s largest not-for-profit health plan, and its health plan subsidiaries outside California and Hawaii; the not-for-profit Kaiser Foundation Hospitals, which operates 39 hospitals and over 650 other clinical facilities; and the Permanente Medical Groups, self-governed physician group practices that exclusively contract with Kaiser Foundation Health Plan and its health plan subsidiaries to meet the health needs of Kaiser Permanente’s members.

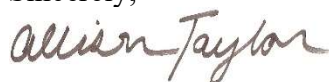
**PrEP is not recommended for all patients, regardless of risk of acquiring HIV.** The U.S. Preventive Services Task Force recommends that clinicians offer PrEP with effective antiretroviral therapy to persons who are at high risk of HIV acquisition, which is outlined in [recent guidance](#). This legislation includes no guardrails to ensure that the appropriate population receive this medication, which we think would be important given the medication’s high cost. We also question whether community pharmacists will have the time to do appropriate counseling and monitoring of labs and adherence during ongoing PrEP and whether they have the clinical skillset to interpret an HIV test to distinguish an acute HIV seroconversion, in which case starting PrEP could lead to HIV drug resistance.

**Maryland Medicaid already pays for PrEP and PEP.** Coverage for PrEP and PEP was carved into coverage through the HealthChoice program on January 1, 2020. Therefore, there is no need to amend section 15-103 of the Health – General Article to mandate coverage.

**The State may already have a funding source to help defray insurance costs associated with PrEP and PEP.** [Chapter 46 of the Acts of 2016](#) established a Special Fund consisting of “any rebates received by the [Maryland Department of Health] from the Maryland AIDS Drug Assistance Program as a result of State General Fund expenditures,” to be used only for “State-identified priorities for HIV prevention, surveillance, and care services.” [As noted in the fiscal note for that legislation](#), MDH intended to use this fund to defray costs associated with PrEP for high-risk HIV-negative individuals. At that time, DLS estimated that a one-time General Fund expenditure of \$100,000 would generate over \$3.7 million in rebates by 2021. The General Assembly should understand whether this Special Fund is adequately covering the cost of PrEP for eligible Marylanders before prohibiting a carrier from imposing a cost-sharing requirement.

Thank you for the opportunity to comment. Please feel free to contact me at [Allison.W.Taylor@kp.org](mailto:Allison.W.Taylor@kp.org) or (202) 924-7496 with questions.

Sincerely,



Allison Taylor  
Director of Government Relations  
Kaiser Foundation Health Plan of Mid-Atlantic States, Inc.