



June 29, 2022

The Honorable David P. Sokola
President Pro Tempore
Delaware Senate
Legislative Hall
411 Legislative Ave.
Dover, DE 19901

Pharmacist Test and Treat – SUPPORT HB No. 399

Dear Senator Sokola and Members of the Delaware Senate:

The American Pharmacists Association (APhA) joins with the Delaware Pharmacists Society in strong support of House Bill (HB) No. 399,¹ which will increase patient access to vital health care services provided by Delaware's pharmacists, increase the efficiency of health care delivery, and better align the role of the pharmacist with their full education and training. We urge its swift consideration and passage in the Delaware Senate.

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. In Delaware, APhA represents pharmacists and students that practice in numerous settings and provide care to many of your beneficiaries. 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.

The Delaware Pharmacists Society was founded in 1886 as a non-profit, professional association for pharmacists in the state of Delaware.

HB No. 399 will better align the role of the pharmacist with their full education and training by allowing them to test and treat, pursuant to a statewide written protocol, for influenza, Group A Streptococcus Pharyngitis, COVID-19, a number of minor ailments, and other emerging and existing public health threats identified by the Department of Public Health.

¹An Act to amend Title 24 of the Delaware code relating to practice of pharmacy.

<https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=109428&legislationTypeId=1&docTypeId=2&legislationName=HB399>

This legislation focuses on increasing greater access to timely care that many patients are not likely to receive in order to avoid future health care costs from one of Delaware's most reliable and accessible providers—Delaware's pharmacists. For example, we know from the data that 38% of test and treat encounters at the pharmacy happen outside normal clinic hours and over 53% of these patients did not have a primary care provider.² In addition, studies have found that 98% of patients receiving test and treat services from pharmacists for point-of-care influenza and streptococcus testing would use them again.³

This legislation is also aligned with laws being passed in other states that allow pharmacists to provide similar services under statewide protocols⁴ to improve the public's health and lower these states' downstream health care costs, including: Florida⁵, Kentucky^{6,7}, Iowa⁸, and Kansas.⁹

HB No. 399 also aligns with the U.S. Department of Health and Human Services' (HHS) reliance upon pharmacists to help defeat the COVID-19 pandemic that has saved countless lives and billions of dollars in Delaware and across the country. Through the federal Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19,¹⁰ HHS has temporarily expanded pharmacists' scope of practice to allow them to order and administer COVID-19 immunizations, tests and subcutaneous, intramuscular, or oral COVID 19 therapeutics. The passage of HB No. 399 will codify these temporary federal expansions that Delaware's patients and the nation have come to rely upon, align the role of the pharmacist in Delaware with many other states and help prepare Delaware for future threats to public health.

For these reasons, on behalf of Delaware's pharmacists and our patients, we strongly support HB No. 399 and respectfully request its consideration and passage in the Senate. If you would like to speak to pharmacists in Delaware on the importance of this legislation, or have any additional questions, please contact E. Michael Murphy, PharmD, MBA, APhA Advisor for State Government Affairs at mmurphy@aphanet.org.

Sincerely,

² Klepser DG, Klepser ME, Pohlen LE, et al. Utilization of influenza and streptococcal pharyngitis point-of-care testing in the community pharmacy practice setting. DOI: [10.1016/j.sapharm.2017.04.012](https://doi.org/10.1016/j.sapharm.2017.04.012)

³ Kirby J, Mousa N. Evaluating the impact of influenza and streptococcus point-of-care testing and collaborative practice prescribing in a community pharmacy setting. DOI: [10.1016/j.japh.2020.03.003](https://doi.org/10.1016/j.japh.2020.03.003)

⁴ Additionally, pharmacists in many states have the authority to provide test and treat services through collaborative practice agreements.

⁵ Florida 465.1895 Testing or screening for and treatment of minor, nonchronic health conditions. Available at http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0465/Sections/0465.1895.html

⁶ Kentucky 315.010 Definitions for chapter. Available at <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=46694>

⁷ Kentucky 315.191 Powers and duties of board -- Advisory council. Available at <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=45255>

⁸ Iowa 155A.46 Statewide protocols. Available at <https://www.legis.iowa.gov/docs/code/2020/155A.46.pdf>

⁹ Kansas SB 200. Available at http://kslegislature.org/li/b2021_22/measures/SB200/

¹⁰ Ninth Amendment to Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19. Available at <https://www.federalregister.gov/documents/2021/09/14/2021-19790/ninth-amendment-to-declaration-under-the-public-readiness-and-emergency-preparedness-act-for-medical>. Also, see, the Public Readiness and Emergency Preparedness (PREP) Act Advisory Opinion on the March 10, 2020 Declaration. Available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-advisory-opinion-hhs-ogc.pdf>

A handwritten signature in black ink, reading "E. M. Murphy". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

E. Michael Murphy, PharmD, MBA
Advisor for State Government Affairs
American Pharmacists Association

cc: The Honorable Sen. Marie Pinkney
 The Honorable Sen. Spiros Mantzavinos
 Members of the Delaware Senate