

1 A bill to be entitled

2 An act relating to HIV infection prevention drugs;  
3 providing a short title; creating s. 465.1861, F.S.;  
4 defining terms; authorizing licensed pharmacists to  
5 screen adults for HIV exposure and provide the results  
6 to such adults, with advice to consult with or seek  
7 treatment from a physician; authorizing pharmacists to  
8 dispense HIV preexposure prophylaxis drugs pursuant to  
9 a prescription; authorizing pharmacists to order and  
10 dispense HIV postexposure prophylaxis drugs pursuant  
11 to a written collaborative practice agreement with a  
12 physician; specifying requirements for the practice  
13 agreements; requiring the supervising physician to  
14 review the pharmacist's records and actions in  
15 accordance with the practice agreement; requiring  
16 pharmacists who enter into such practice agreements to  
17 submit the agreements to the Board of Pharmacy;  
18 requiring such pharmacists to provide certain written  
19 information when dispensing such drugs to patients;  
20 requiring pharmacists to comply with certain  
21 procedures under certain circumstances; requiring  
22 pharmacists, before ordering and dispensing HIV  
23 postexposure prophylaxis drugs, to be certified by the  
24 Board of Pharmacy; specifying minimum requirements for  
25 the certification; requiring certain pharmacies to

26 submit an access-to-care plan to the Board of Pharmacy  
 27 and the Department of Health annually; authorizing the  
 28 board to fine or place certain prohibitions on a  
 29 pharmacy that does not comply with the requirements  
 30 for access-to-care plans; specifying requirements for  
 31 the plans; requiring the board to adopt rules;  
 32 providing an effective date.  
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34 Be It Enacted by the Legislature of the State of Florida:  
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36 Section 1. This act may be cited as the "John W. Rhey  
 37 Act."

38 Section 2. Section 465.1861, Florida Statutes, is created  
 39 to read:

40 465.1861 Ordering and dispensing HIV infection prevention  
 41 drugs.-

42 (1) As used in this section, the term:

43 (a) "HIV" means the human immunodeficiency virus.

44 (b) "HIV infection prevention drug" means preexposure  
 45 prophylaxis, postexposure prophylaxis, and any other drug  
 46 approved by the United States Food and Drug Administration for  
 47 the prevention of HIV infection.

48 (c) "Postexposure prophylaxis" means a drug or drug  
 49 combination that meets the clinical eligibility recommendations  
 50 of the United States Centers for Disease Control and Prevention

51 guidelines for antiretroviral treatment following potential  
52 exposure to HIV.

53 (d) "Preexposure prophylaxis" means a drug or drug  
54 combination that meets the clinical eligibility recommendations  
55 of the United States Centers for Disease Control and Prevention  
56 guidelines for antiretroviral treatment for the prevention of  
57 HIV transmission.

58 (2) A pharmacist may screen an adult for HIV exposure and  
59 provide the results to the adult, with the advice that the  
60 patient should seek further medical consultation or treatment  
61 from a physician.

62 (3) A pharmacist may dispense HIV preexposure prophylaxis  
63 drugs pursuant to a valid prescription issued by a licensed  
64 health care practitioner authorized by law to prescribe such  
65 drugs.

66 (4) A pharmacist who is certified under subsection (6) may  
67 order and dispense HIV postexposure prophylaxis drugs pursuant  
68 to a written collaborative practice agreement between the  
69 pharmacist and a physician licensed under chapter 458 or chapter  
70 459.

71 (a) A written collaborative practice agreement between a  
72 pharmacist and a physician under this section must include, at a  
73 minimum, all of the following:

74 1. Terms and conditions relating to the screening for HIV  
75 and the ordering and dispensing of HIV postexposure prophylaxis

76 drugs by the pharmacist. Such terms and conditions must be  
77 appropriate for the pharmacist's training.

78 2. Specific categories of patients the pharmacist is  
79 authorized to screen for HIV and for whom the pharmacist may  
80 order and dispense HIV postexposure prophylaxis drugs.

81 3. A requirement that the pharmacist maintain records for  
82 any HIV postexposure prophylaxis drugs ordered and dispensed  
83 under the collaborative practice agreement.

84 4. The physician's instructions for obtaining relevant  
85 patient medical history for the purpose of identifying  
86 disqualifying health conditions, adverse reactions, and  
87 contraindications to the use of HIV postexposure prophylaxis  
88 drugs.

89 5. A process and schedule for the physician to review the  
90 pharmacist's records and actions under the practice agreement.

91 6. Evidence of the pharmacist's current certification by  
92 the board as provided in subsection (6).

93 7. Any other requirements as established by the board with  
94 the approval of the Board of Medicine and the Board of  
95 Osteopathic Medicine.

96 (b) A physician who has entered into a written  
97 collaborative practice agreement pursuant to this section is  
98 responsible for reviewing the pharmacist's records and actions  
99 to ensure compliance with the agreement.

100 (c) The pharmacist shall submit a copy of the written

101 collaborative practice agreement to the board.

102 (5) A pharmacist who orders and dispenses HIV postexposure  
103 prophylaxis drugs pursuant to subsection (4) must provide the  
104 patient with written information advising the patient to seek  
105 follow-up care from his or her primary care physician. If the  
106 patient indicates that he or she lacks regular access to primary  
107 care, the pharmacist must comply with the procedures of the  
108 pharmacy's approved access-to-care plan as provided in  
109 subsection (7).

110 (6) To provide services under a collaborative practice  
111 agreement pursuant to this section, a pharmacist must be  
112 certified by the board, according to rules adopted by the board.  
113 To be certified, a pharmacist must, at a minimum, meet all of  
114 the following criteria:

115 (a) Hold an active and unencumbered license to practice  
116 pharmacy under this chapter.

117 (b) Be engaged in the active practice of pharmacy.

118 (c) Have earned a degree of doctor of pharmacy or have  
119 completed at least 3 years of experience as a licensed  
120 pharmacist.

121 (d) Maintain at least \$250,000 of liability coverage. A  
122 pharmacist who maintains liability coverage pursuant to s.  
123 465.1865 or s. 465.1895 satisfies this requirement.

124 (e) Have completed a course approved by the board, in  
125 consultation with the Board of Medicine and the Board of

126 Osteopathic Medicine, which includes, at a minimum, instruction  
127 on all of the following:

128 1. Performance of patient assessments.

129 2. Point-of-care testing procedures.

130 3. Safe and effective treatment of HIV exposure with HIV  
131 infection prevention drugs, including, but not limited to,  
132 consideration of the side effects of the drug dispensed and the  
133 patient's diet and activity levels.

134 4. Identification of contraindications.

135 5. Identification of patient comorbidities in individuals  
136 with HIV requiring further medical evaluation and treatment,  
137 including, but not limited to, cardiovascular disease, lung and  
138 liver cancer, chronic obstructive lung disease, and diabetes  
139 mellitus.

140 (f) Any other criteria as established by the board with  
141 the approval of the Board of Medicine and the Board of  
142 Osteopathic Medicine.

143 (7)(a) A pharmacy in which a pharmacist is providing  
144 services under a written collaborative practice agreement  
145 pursuant to subsection (4) must submit an access-to-care plan to  
146 the board and department annually. If the board or the  
147 department determines that a pharmacy has failed to submit an  
148 access-to-care plan required under this section or if a  
149 pharmacy's access-to-care plan does not comply with this section  
150 or applicable rules of the board, the board must notify the

151 pharmacy of its noncompliance and the pharmacy must submit an  
152 access-to-care plan that brings the pharmacy into compliance  
153 according to parameters provided in board rule. The board may  
154 fine a pharmacy that fails to comply with this paragraph or may  
155 prohibit such pharmacy from allowing its pharmacists to screen  
156 adults for HIV exposure or order and dispense HIV postexposure  
157 prophylaxis drugs under a collaborative practice agreement until  
158 the pharmacy complies with this paragraph.

159 (b) An access-to-care plan shall assist patients in  
160 gaining access to appropriate care settings when they present to  
161 a pharmacist for HIV screening and indicate that they lack  
162 regular access to primary care. An access-to-care plan must  
163 include, but need not be limited to:

164 1. Procedures to educate such patients about care that  
165 would be best provided in a primary care setting and the  
166 importance of receiving regular primary care.

167 2. The pharmacy's plan for collaborative partnership with  
168 one or more nearby federally qualified health centers, county  
169 health departments, or other primary care settings. The goals of  
170 such partnership must include, but need not be limited to,  
171 protocols for identifying and appropriately referring a patient  
172 who has presented to the pharmacist for HIV screening or access  
173 to HIV infection prevention drugs and indicates that he or she  
174 lacks regular access to primary care.

175 (8) The board shall adopt rules to implement this section.

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Section 3. This act shall take effect July 1, 2024.