

MEMORANDUM

Agenda Item No. 11(A)(12)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact House Bill
607, Senate Bill 928, or similar
legislation that would authorize a
pharmacist to initiate and furnish
HIV preexposure and
postexposure prophylaxes and
would restrict health insurers from
requiring prior authorization or a
step-therapy protocol, in certain
circumstances

Resolution No. R-187-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(12)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(12)
3-2-21

RESOLUTION NO. R-187-21

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT HOUSE BILL 607, SENATE BILL 928, OR SIMILAR LEGISLATION THAT WOULD AUTHORIZE A PHARMACIST TO INITIATE AND FURNISH HIV PREEXPOSURE AND POSTEXPOSURE PROPHYLAXES AND WOULD RESTRICT HEALTH INSURERS FROM REQUIRING PRIOR AUTHORIZATION OR A STEP-THERAPY PROTOCOL, IN CERTAIN CIRCUMSTANCES

WHEREAS, on January 29, 2021, Representative Nicholas X. Duran (D - Miami) introduced House Bill (“HB”) 607 and Senator Ray Wesley Rodrigues (R – Fort Myers) filed its companion bill, Senate Bill (“SB”) 928; and

WHEREAS, HB 607 and SB 928 (collectively, “the bills”) are set to become effective on July 1, 2021; and

WHEREAS, the bills authorize a pharmacist to initiate and furnish human immunodeficiency virus (“HIV”) preexposure prophylaxis (“PrEP”), a fixed-dose drug combination for the prevention of HIV infection, and postexposure prophylaxis (“PEP”), antiretroviral drug combinations used to lower the chance of the infection of HIV after a high-risk event, if certain conditions are met; and

WHEREAS, the bills also restrict health insurers from requiring prior authorization, where the health insurer must approve the prescription drug before it is covered under the insurance policy, in certain circumstances; and

WHEREAS, the bills require a pharmacist to complete a training program, approved by the Florida Board of Pharmacy, prior to ordering or dispensing PrEP or PEP; and

WHEREAS, the bills authorize a pharmacist to order or dispense up to two 30-day supplies of PrEP to a patient who is HIV negative without a prescription if, among other things, (a) the patient does not report taking any contraindicated medications, (b) the pharmacist has not ordered two 30-day supplies of PrEP for the patient without a prescription in the preceding two-year period, (c) the pharmacist provides required educational counseling to the patient on the ongoing use of PrEP, and (d) the pharmacist informs the patient that the patient must be seen by a primary care provider to receive subsequent prescriptions for PrEP; and

WHEREAS, the bills further authorize a pharmacist to order or dispense a full course of PEP without a prescription if, among other things, the pharmacist (a) screens the patient and determines that sexual intercourse, injection drug use, or other nonoccupational exposure to HIV occurred within the previous 72 hours and the patient otherwise meets the clinical criteria for PEP, (b) provides required educational counseling to the patient on the use of PEP, consistent with guidelines issued by the United States Centers for Disease Control and Prevention, and (c) notifies the patient's primary care provider that the pharmacist ordered or dispensed PEP, or provides the patient a list of physicians, surgeons, clinics, or other health care providers to contact regarding follow-up care for PEP; and

WHEREAS, except where the United States Food and Drug Administration has approved one or more therapeutic equivalents of a drug, device, or product for the prevention of HIV or acquired immune deficiency syndrome ("AIDS"), the bills would prohibit health insurers from requiring a step-therapy protocol or prior authorization for covered antiretroviral drugs that are medically necessary for the prevention of HIV or AIDS; and

WHEREAS, prohibiting a step-therapy protocol would bar health insurers from determining the specific sequence for covered drugs, which would benefit patients by allowing medical professionals to determine their best course of treatment and providing patients with access to certain medications without first being required to take alternative medications; and

WHEREAS, this Board supports the bills as they would allow greater access to preventative and life-saving medication for individuals with HIV or AIDS,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact House Bill 607, Senate Bill 928, or similar legislation that would authorize a pharmacist to initiate and furnish HIV Preexposure Prophylaxis (“PrEP”) and Postexposure Prophylaxis (“PEP”), if certain conditions are met, and would restrict health insurers from requiring prior authorization or a step-therapy protocol, in certain circumstances.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Ray Wesley Rodrigues, Representative Nicholas X. Duran, the Chair and Members of the Miami-Dade County State Legislative Delegation, the Florida Surgeon General, the Secretary of the Florida Department of Health, and the Chair and Members of the Florida Board of Pharmacy.

Section 3. Directs the County’s state lobbyists to advocate for the legislation described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins. It was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of March, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Ashlee A. Pouncy