



## **Proposed Amendment to California Code of Regulations, Title 16, Section 1747 Related to Independent HIV Preexposure Prophylaxis Furnishing - Permanent**

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### **Summarized 45-day Comments with Board Staff Recommendations:**

#### **Written Comments from Kristen Tjaden, ViiV Healthcare**

**Comment 1:** The commenter expressed support for the Board's proposed permanent regulation; however, the commenter urges the Board to allow the use of the CDC-recommended long-acting injectable PrEP, consistent with the CDC guidelines.

**Response to Comment 1:** Board staff does not recommend any changes to the text based upon the comment. Board staff notes that this comment is outside the regulation's scope. The regulation does not address the types of products that can be dispensed and is specific to training and documentation requirements. The authority to dispense specific PrEP medication is specified in Business and Professions Code section 4052.02.

#### **Written Comments from Maria Lopez, Mission Wellness Pharmacy**

**Comment 2:** The Commenter expressed concern that the Board's regulation requires pharmacists to complete ACPE training, which includes training on specific CA requirements. The commenter believes this creates a barrier to pharmacists' education and that providing training is outside the purview of the Board as a regulator. The commenter recommends that the regulation be amended to allow ACPE training for HIV prevention according to the CDC and have a separate California-specific training.

**Response to Comment 2:** Board staff does not recommend any changes to the text based upon the comment. Board staff notes that Business and Professions Code section 4052.02(d) requires that pharmacists complete a training program approved by the Board in consultation with the Medical Board of California and other relevant stakeholders, including, but not limited to, the Office of AIDS, within the State Department of Public Health. Board staff notes that requiring the completion of multiple training programs (one ACPE training and one California-specific training) instead of the single board-provided training course may result in confusion and non-compliance, which may decrease the number of trained pharmacists. Finally, Board staff notes that the Board's mission statement is to "protect and promote the health and safety of Californians by pursuing the

highest quality of pharmacist's care and the appropriate use of pharmaceuticals through education, communication, licensing, legislation, regulation, and enforcement." Providing education to licensees is within the purview of the Board.