

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 24, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 493

Introduced by Senator Hernandez

February 21, 2013

An act to amend Sections 733, ~~4040~~, 4050, 4051, 4052, 4052.3, ~~and 4060~~ 4060, 4076, 4111, and 4174 of, and to add Sections 4016.5, 4052.6, 4052.8, 4052.9, 4210, and 4233 to, the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 493, as amended, Hernandez. Pharmacy practice.

The Pharmacy Law provides for the licensing and regulation of pharmacists by the California State Board of Pharmacy in the Department of Consumer Affairs. The law specifies the functions pharmacists are authorized to perform, including to administer, orally or topically, drugs and biologicals pursuant to a prescriber's order, and to administer immunizations pursuant to a protocol with a prescriber. Pharmacists may also furnish emergency contraception drug therapy pursuant to standardized procedures if they have completed a training program. A violation of the Pharmacy Law is a crime.

This bill, instead, would authorize a pharmacist to administer drugs and biological products that have been ordered by a prescriber. The bill would ~~expand other functions~~ *authorize* pharmacists ~~are authorized~~ to perform *other functions*, including, among other things, to furnish self-administered hormonal contraceptives, ~~prescription smoking~~

cessation—drugs *nicotine replacement products*, and prescription medications not requiring a diagnosis that are recommended for international travelers, as specified. Additionally, the bill would authorize pharmacists to order and interpret tests for the purpose of monitoring and managing the efficacy and toxicity of drug therapies, and to independently initiate and administer routine vaccinations, as specified. This bill also would establish board recognition for an advanced practice pharmacist, as defined, would specify the criteria for that recognition, and would specify additional functions that may be performed by an advanced practice pharmacist, including, among other things, performing patient assessments, and certain other functions, as specified. The bill would authorize the board, by regulation, to set the fee for the issuance and renewal of advanced practice pharmacist recognition at the reasonable cost of regulating advanced practice pharmacists pursuant to these provisions, not to exceed \$300. ~~Because~~ *The bill would make conforming changes.*

Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The bill would make other conforming and technical changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 733 of the Business and Professions Code
- 2 is amended to read:
- 3 733. (a) A licentiate shall not obstruct a patient in obtaining
- 4 a prescription drug or device that has been legally prescribed or
- 5 ordered for that patient. A violation of this section constitutes
- 6 unprofessional conduct by the licentiate and shall subject the
- 7 licentiate to disciplinary or administrative action by his or her
- 8 licensing agency.
- 9 (b) Notwithstanding any other law, a licentiate shall dispense
- 10 drugs and devices, as described in subdivision (a) of Section 4024,

1 pursuant to a lawful order or prescription unless one of the
2 following circumstances exists:

3 (1) Based solely on the licentiate’s professional training and
4 judgment, dispensing pursuant to the order or the prescription is
5 contrary to law, or the licentiate determines that the prescribed
6 drug or device would cause a harmful drug interaction or would
7 otherwise adversely affect the patient’s medical condition.

8 (2) The prescription drug or device is not in stock. If an order,
9 other than an order described in Section 4019, or prescription
10 cannot be dispensed because the drug or device is not in stock, the
11 licentiate shall take one of the following actions:

12 (A) Immediately notify the patient and arrange for the drug or
13 device to be delivered to the site or directly to the patient in a
14 timely manner.

15 (B) Promptly transfer the prescription to another pharmacy
16 known to stock the prescription drug or device that is near enough
17 to the site from which the prescription or order is transferred, to
18 ensure the patient has timely access to the drug or device.

19 (C) Return the prescription to the patient and refer the patient.
20 The licentiate shall make a reasonable effort to refer the patient to
21 a pharmacy that stocks the prescription drug or device that is near
22 enough to the referring site to ensure that the patient has timely
23 access to the drug or device.

24 (3) The licentiate refuses on ethical, moral, or religious grounds
25 to dispense a drug or device pursuant to an order or prescription.
26 A licentiate may decline to dispense a prescription drug or device
27 on this basis only if the licentiate has previously notified his or
28 her employer, in writing, of the drug or class of drugs to which he
29 or she objects, and the licentiate’s employer can, without creating
30 undue hardship, provide a reasonable accommodation of the
31 licentiate’s objection. The licentiate’s employer shall establish
32 protocols that ensure that the patient has timely access to the
33 prescribed drug or device despite the licentiate’s refusal to dispense
34 the prescription or order. For purposes of this section, “reasonable
35 accommodation” and “undue hardship” shall have the same
36 meaning as applied to those terms pursuant to subdivision (l) of
37 Section 12940 of the Government Code.

38 (c) For the purposes of this section, “prescription drug or device”
39 has the same meaning as the definition in Section 4022.

1 (d) This section applies to emergency contraception drug therapy
2 and self-administered hormonal contraceptives described in Section
3 4052.3.

4 (e) This section imposes no duty on a licentiate to dispense a
5 drug or device pursuant to a prescription or order without payment
6 for the drug or device, including payment directly by the patient
7 or through a third-party payer accepted by the licentiate or payment
8 of any required copayment by the patient.

9 (f) The notice to consumers required by Section 4122 shall
10 include a statement that describes patients’ rights relative to the
11 requirements of this section.

12 SEC. 2. Section 4016.5 is added to the Business and Professions
13 Code, to read:

14 4016.5. “Advanced practice pharmacist” means a licensed
15 pharmacist who has been recognized as an advanced practice
16 pharmacist by the board, pursuant to Section 4210. A
17 board-recognized advanced practice pharmacist is entitled to
18 practice advanced practice pharmacy, as described in Section
19 4052.6, within or outside of a licensed pharmacy as authorized by
20 this chapter.

21 SEC. 3. Section 4040 of the Business and Professions Code is
22 amended to read:

23 4040. (a) “Prescription” means an oral, written, or electronic
24 transmission order that is both of the following:

25 (1) Given individually for the person or persons for whom
26 ordered that includes all of the following:

27 (A) The name or names and address of the patient or patients.

28 (B) The name and quantity of the drug or device prescribed and
29 the directions for use.

30 (C) The date of issue.

31 (D) Either rubber stamped, typed, or printed by hand or typeset,
32 the name, address, and telephone number of the prescriber, his or
33 her license classification, and his or her federal registry number,
34 if a controlled substance is prescribed.

35 (E) A legible, clear notice of the condition or purpose for which
36 the drug is being prescribed, if requested by the patient or patients.

37 (F) If in writing, signed by the prescriber issuing the order, or
38 the certified nurse-midwife, nurse practitioner, physician assistant,
39 or naturopathic doctor who issues a drug order pursuant to Section
40 2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist

1 who issues a drug order pursuant to either Section 4052.1 or 4052.2
2 4052.1, 4052.2, or 4052.6.

3 (2) Issued by a physician, dentist, optometrist, podiatrist,
4 veterinarian, or naturopathic doctor pursuant to Section 3640.7 or,
5 if a drug order is issued pursuant to Section 2746.51, 2836.1,
6 3502.1, or 3460.5, by a certified nurse-midwife, nurse practitioner,
7 physician assistant, or naturopathic doctor licensed in this state,
8 or pursuant to either Section 4052.1 or 4052.2 4052.1, 4052.2, or
9 4052.6 by a pharmacist licensed in this state.

10 (b) Notwithstanding subdivision (a), a written order of the
11 prescriber for a dangerous drug, except for any Schedule II
12 controlled substance, that contains at least the name and signature
13 of the prescriber, the name and address of the patient in a manner
14 consistent with paragraph (2) of subdivision (a) of Section 11164
15 of the Health and Safety Code, the name and quantity of the drug
16 prescribed, directions for use, and the date of issue may be treated
17 as a prescription by the dispensing pharmacist as long as any
18 additional information required by subdivision (a) is readily
19 retrievable in the pharmacy. In the event of a conflict between this
20 subdivision and Section 11164 of the Health and Safety Code,
21 Section 11164 of the Health and Safety Code shall prevail.

22 (c) “Electronic transmission prescription” includes both image
23 and data prescriptions. “Electronic image transmission
24 prescription” means any prescription order for which a facsimile
25 of the order is received by a pharmacy from a licensed prescriber.
26 “Electronic data transmission prescription” means any prescription
27 order, other than an electronic image transmission prescription,
28 that is electronically transmitted from a licensed prescriber to a
29 pharmacy.

30 (d) The use of commonly used abbreviations shall not invalidate
31 an otherwise valid prescription.

32 (e) Nothing in the amendments made to this section (formerly
33 Section 4036) at the 1969 Regular Session of the Legislature shall
34 be construed as expanding or limiting the right that a chiropractor,
35 while acting within the scope of his or her license, may have to
36 prescribe a device.

37 ~~SEC. 3.~~

38 *SEC. 4.* Section 4050 of the Business and Professions Code is
39 amended to read:

1 4050. (a) In recognition of and consistent with the decisions
2 of the appellate courts of this state, the Legislature hereby declares
3 the practice of pharmacy to be a profession.

4 (b) Pharmacy practice is a dynamic, patient-oriented health
5 service that applies a scientific body of knowledge to improve and
6 promote patient health by means of appropriate drug use,
7 drug-related therapy, and communication for clinical and
8 consultative purposes. Pharmacy practice is continually evolving
9 to include more sophisticated and comprehensive patient care
10 activities.

11 (c) The Legislature further declares that pharmacists are health
12 care providers who have the authority to provide health care
13 services.

14 ~~SEC. 4.~~

15 *SEC. 5.* Section 4051 of the Business and Professions Code is
16 amended to read:

17 4051. (a) Except as otherwise provided in this chapter, it is
18 unlawful for any person to manufacture, compound, furnish, sell,
19 or dispense a dangerous drug or dangerous device, or to dispense
20 or compound a prescription pursuant to Section 4040 of a prescriber
21 unless he or she is a pharmacist under this chapter.

22 (b) Notwithstanding any other law, a pharmacist may authorize
23 the initiation of a prescription, pursuant to Section 4052.1, 4052.2,
24 4052.3, or 4052.6, and otherwise provide clinical advice, services,
25 information, or patient consultation, as set forth in this chapter, if
26 all of the following conditions are met:

27 (1) The clinical advice, services, information, or patient
28 consultation is provided to a health care professional or to a patient.

29 (2) The pharmacist has access to prescription, patient profile,
30 or other relevant medical information for purposes of patient and
31 clinical consultation and advice.

32 (3) Access to the information described in paragraph (2) is
33 secure from unauthorized access and use.

34 ~~SEC. 5.~~

35 *SEC. 6.* Section 4052 of the Business and Professions Code is
36 amended to read:

37 4052. (a) Notwithstanding any other law, a pharmacist may:

38 (1) Furnish a reasonable quantity of compounded drug product
39 to a prescriber for office use by the prescriber.

40 (2) Transmit a valid prescription to another pharmacist.

- 1 (3) Administer drugs and biological products that have been
2 ordered by a prescriber.
- 3 (4) Perform procedures or functions in a licensed health care
4 facility as authorized by Section 4052.1.
- 5 (5) Perform procedures or functions as part of the care provided
6 by a health care facility, a licensed home health agency, a licensed
7 clinic in which there is a physician oversight, a provider who
8 contracts with a licensed health care service plan with regard to
9 the care or services provided to the enrollees of that health care
10 service plan, or a physician, as authorized by Section 4052.2.
- 11 (6) Perform procedures or functions as authorized by Section
12 4052.6.
- 13 (7) Manufacture, measure, fit to the patient, or sell and repair
14 dangerous devices, or furnish instructions to the patient or the
15 patient's representative concerning the use of those devices.
- 16 (8) Provide consultation, training, and education to patients
17 about drug therapy, disease management, and disease prevention.
- 18 (9) Provide professional information, including clinical or
19 pharmacological information, advice, or consultation to other
20 health care professionals, and participate in multidisciplinary
21 review of patient progress, including appropriate access to medical
22 records.
- 23 (10) Furnish the following medications:
 - 24 (A) Emergency contraception drug therapy and self-administered
25 hormonal contraceptives, as authorized by Section 4052.3.
 - 26 (B) ~~Prescription smoking cessation drugs and devices, Nicotine~~
27 *replacement products*, as authorized by Section 4052.9.
 - 28 (C) Prescription medications not requiring a diagnosis that are
29 recommended by the federal Centers for Disease Control and
30 Prevention for individuals traveling outside of the United States.
 - 31 (D) *The pharmacist shall notify the patient's primary care*
32 *provider of any drugs or devices furnished to the patient. If the*
33 *patient does not have a primary care provider, the pharmacist*
34 *shall provide the patient with a written record of the drugs or*
35 *devices furnished and advise the patient to consult a physician of*
36 *the patient's choice.*
- 37 (11) Administer immunizations pursuant to a protocol with a
38 prescriber.
- 39 (12) Order and interpret tests for the purpose of monitoring and
40 managing the efficacy and toxicity of drug therapies.

1 (b) A pharmacist who is authorized to issue an order to initiate
2 or adjust a controlled substance therapy pursuant to this section
3 shall personally register with the federal Drug Enforcement
4 Administration.

5 (c) This section does not affect the applicable requirements of
6 law relating to either of the following:

- 7 (1) Maintaining the confidentiality of medical records.
- 8 (2) The licensing of a health care facility.

9 ~~SEC. 6.~~

10 *SEC. 7.* Section 4052.3 of the Business and Professions Code
11 is amended to read:

12 4052.3. (a) (1) Notwithstanding any other law, a pharmacist
13 may furnish self-administered hormonal contraceptives in
14 accordance with standardized procedures or protocols developed
15 and approved by both the board and the Medical Board of
16 California in consultation with the American Congress of
17 Obstetricians and Gynecologists, the California Pharmacists
18 Association, and other appropriate entities. The standardized
19 procedure or protocol shall require that the patient use a
20 self-screening tool *that will identify patient risk factors for use of*
21 *self-administered hormonal contraceptives*, based on the *current*
22 United States Medical Eligibility Criteria (USMEC) for
23 Contraceptive Use developed by the federal Centers for Disease
24 Control and Prevention, and that the pharmacist refer the patient
25 to the patient’s primary care provider or, if the patient does not
26 have a primary care provider, to nearby clinics, *upon furnishing*
27 *a self-administered hormonal contraceptive pursuant to this*
28 *subdivision, or if it is determined that use of a self-administered*
29 *hormonal contraceptive is not recommended.*

30 (2) The board and the Medical Board of California are both
31 authorized to ensure compliance with this subdivision, and each
32 board is specifically charged with the enforcement of this
33 subdivision with respect to its respective licensees. This subdivision
34 does not expand the authority of a pharmacist to prescribe any
35 prescription medication.

36 (b) (1) Notwithstanding any other law, a pharmacist may furnish
37 emergency contraception drug therapy in accordance with either
38 of the following:

1 (A) Standardized procedures or protocols developed by the
2 pharmacist and an authorized prescriber who is acting within his
3 or her scope of practice.

4 (B) Standardized procedures or protocols developed and
5 approved by both the board and the Medical Board of California
6 in consultation with the American Congress of Obstetricians and
7 Gynecologists, the California Pharmacists Association, and other
8 appropriate entities. The board and the Medical Board of California
9 are both authorized to ensure compliance with this clause, and
10 each board is specifically charged with the enforcement of this
11 provision with respect to its respective licensees. This subdivision
12 does not expand the authority of a pharmacist to prescribe any
13 prescription medication.

14 (2) Prior to performing a procedure authorized under this
15 subdivision, a pharmacist shall complete a training program on
16 emergency contraception that consists of at least one hour of
17 approved continuing education on emergency contraception drug
18 therapy.

19 (3) A pharmacist, pharmacist's employer, or pharmacist's agent
20 shall not directly charge a patient a separate consultation fee for
21 emergency contraception drug therapy services initiated pursuant
22 to this subdivision, but may charge an administrative fee not to
23 exceed ten dollars (\$10) above the retail cost of the drug. Upon an
24 oral, telephonic, electronic, or written request from a patient or
25 customer, a pharmacist or pharmacist's employee shall disclose
26 the total retail price that a consumer would pay for emergency
27 contraception drug therapy. As used in this paragraph, total retail
28 price includes providing the consumer with specific information
29 regarding the price of the emergency contraception drugs and the
30 price of the administrative fee charged. This limitation is not
31 intended to interfere with other contractually agreed-upon terms
32 between a pharmacist, a pharmacist's employer, or a pharmacist's
33 agent, and a health care service plan or insurer. Patients who are
34 insured or covered and receive a pharmacy benefit that covers the
35 cost of emergency contraception shall not be required to pay an
36 administrative fee. These patients shall be required to pay
37 copayments pursuant to the terms and conditions of their coverage.
38 This paragraph shall become inoperative for dedicated emergency
39 contraception drugs if these drugs are reclassified as

1 over-the-counter products by the federal Food and Drug
2 Administration.

3 (4) A pharmacist shall not require a patient to provide
4 individually identifiable medical information that is not specified
5 in Section 1707.1 of Title 16 of the California Code of Regulations
6 before initiating emergency contraception drug therapy pursuant
7 to this subdivision.

8 (c) For each emergency contraception drug therapy or
9 self-administered hormonal contraception initiated pursuant to this
10 section, the pharmacist shall provide the recipient of the drug with
11 a standardized factsheet that includes, but is not limited to, the
12 indications and contraindications for use of the drug, the
13 appropriate method for using the drug, the need for medical
14 followup, and other appropriate information. The board shall
15 develop this form in consultation with the State Department of
16 Public Health, the American Congress of Obstetricians and
17 Gynecologists, the California Pharmacists Association, and other
18 health care organizations. This section does not preclude the use
19 of existing publications developed by nationally recognized
20 medical organizations.

21 ~~SEC. 7.~~

22 *SEC. 8.* Section 4052.6 is added to the Business and Professions
23 Code, to read:

24 4052.6. (a) A pharmacist recognized by the board as an
25 advanced practice pharmacist may do all of the following:

- 26 (1) Perform patient assessments.
- 27 (2) Order and interpret drug therapy-related tests.
- 28 (3) Refer patients to other health care providers.
- 29 (4) Participate in the evaluation and management of diseases
30 and health conditions in collaboration with other health care
31 providers.
- 32 (5) Initiate, adjust, or discontinue drug therapy in the manner
33 specified in paragraph (4) of subdivision (a) of Section 4052.2.

34 (b) A pharmacist who adjusts or discontinues drug therapy shall
35 promptly transmit written notification to the patient's diagnosing
36 prescriber or enter the appropriate information in a patient record
37 system shared with the prescriber, *as permitted by that prescriber*.
38 A pharmacist who initiates drug therapy shall promptly transmit
39 written notification to, or enter the appropriate information into,
40 a patient record system shared with the patient's primary care

1 provider or diagnosing provider, as ~~appropriate~~ *permitted by that*
2 *provider.*

3 (c) This section shall not interfere with a physician's order to
4 dispense a prescription drug as written, or other order of similar
5 meaning.

6 (d) Prior to initiating or adjusting a controlled substance therapy
7 pursuant to this section, a pharmacist shall personally register with
8 the federal Drug Enforcement Administration.

9 ~~SEC. 8.~~

10 *SEC. 9.* Section 4052.8 is added to the Business and Professions
11 Code, to read:

12 4052.8. (a) In addition to the authority provided in paragraph
13 ~~(9) (11)~~ of subdivision (a) of Section 4052, a pharmacist may
14 independently initiate and administer vaccines listed on the routine
15 immunization schedules recommended by the federal Advisory
16 Committee on Immunization Practices (ACIP), in compliance with
17 individual ACIP vaccine recommendations, and published by the
18 federal Centers for Disease Control and Prevention (CDC) for
19 persons three years of age and older.

20 (b) In order to initiate and administer an immunization described
21 in subdivision (a), a pharmacist shall do all of the following:

22 (1) Complete an immunization training program endorsed by
23 the CDC or the Accreditation Council for Pharmacy Education
24 that, at a minimum, includes hands-on injection technique, clinical
25 evaluation of indications and contraindications of vaccines, and
26 the recognition and treatment of emergency reactions to vaccines,
27 and shall maintain that training.

28 (2) Be certified in basic life support.

29 (3) Comply with all state and federal recordkeeping and
30 reporting requirements, including providing documentation to the
31 patient's primary care provider and entering information in the
32 appropriate immunization registry designated by the immunization
33 branch of the State Department of Public Health.

34 (c) A pharmacist administering immunizations pursuant to this
35 section, or paragraph ~~(9) (11)~~ of subdivision (a) of Section 4052,
36 may also initiate and administer epinephrine or diphenhydramine
37 by injection for the treatment of a severe allergic reaction.

38 ~~SEC. 9.~~

39 *SEC. 10.* Section 4052.9 is added to the Business and
40 Professions Code, to read:

1 4052.9. (a) A pharmacist may furnish ~~prescription smoking~~
 2 ~~cessation drugs and devices~~, *nicotine replacement products*
 3 *approved by the federal Food and Drug Administration for use by*
 4 *prescription only in accordance with standardized procedures and*
 5 *protocols developed and approved by both the board and the*
 6 *Medical Board of California in consultation with other appropriate*
 7 *entities* and provide smoking cessation services if all of the
 8 following conditions are met:

9 (a)
 10 (1) The pharmacist maintains records of all prescription drugs
 11 and devices furnished for a period of at least three years for
 12 purposes of notifying other health care providers and monitoring
 13 the patient.

14 (b)
 15 (2) The pharmacist notifies the patient’s primary care provider
 16 of any drugs or devices furnished to the patient. If the patient does
 17 not have a primary care provider, the pharmacist provides the
 18 patient with a written record of the drugs or devices furnished and
 19 advises the patient to consult a physician of the patient’s choice.

20 (c)
 21 (3) The pharmacist is certified in smoking cessation therapy by
 22 an organization recognized by the board.

23 (d)
 24 (4) The pharmacist completes one hour of continuing education
 25 focused on smoking cessation therapy biennially.

26 (e) ~~The pharmacist shall consult with the patient’s primary care~~
 27 ~~provider before furnishing a smoking cessation drug to the patient~~
 28 ~~that may produce serious neuropsychiatric events.~~

29 (b) *The board and the Medical Board of California are both*
 30 *authorized to ensure compliance with this section, and each board*
 31 *is specifically charged with the enforcement of this section with*
 32 *respect to their respective licensees. Nothing in this section shall*
 33 *be construed to expand the authority of a pharmacist to prescribe*
 34 *any other prescription medication.*

35 ~~SEC. 10.~~

36 *SEC. 11.* Section 4060 of the Business and Professions Code
 37 is amended to read:

38 4060. A person shall not possess any controlled substance,
 39 except that furnished to a person upon the prescription of a
 40 physician, dentist, podiatrist, optometrist, veterinarian, or

1 naturopathic doctor pursuant to Section 3640.7, or furnished
2 pursuant to a drug order issued by a certified nurse-midwife
3 pursuant to Section 2746.51, a nurse practitioner pursuant to
4 Section 2836.1, a physician assistant pursuant to Section 3502.1,
5 a naturopathic doctor pursuant to Section 3640.5, or a pharmacist
6 pursuant to Section 4052.1, 4052.2, or 4052.6. This section does
7 not apply to the possession of any controlled substance by a
8 manufacturer, wholesaler, pharmacy, pharmacist, physician,
9 podiatrist, dentist, optometrist, veterinarian, naturopathic doctor,
10 certified nurse-midwife, nurse practitioner, or physician assistant,
11 if in stock in containers correctly labeled with the name and address
12 of the supplier or producer.

13 This section does not authorize a certified nurse-midwife, a nurse
14 practitioner, a physician assistant, or a naturopathic doctor, to order
15 his or her own stock of dangerous drugs and devices.

16 *SEC. 12. Section 4076 of the Business and Professions Code*
17 *is amended to read:*

18 4076. (a) A pharmacist shall not dispense any prescription
19 except in a container that meets the requirements of state and
20 federal law and is correctly labeled with all of the following:

21 (1) Except ~~where~~ *when* the prescriber or the certified
22 nurse-midwife who functions pursuant to a standardized procedure
23 or protocol described in Section 2746.51, the nurse practitioner
24 who functions pursuant to a standardized procedure described in
25 Section 2836.1 or protocol, the physician assistant who functions
26 pursuant to Section 3502.1, the naturopathic doctor who functions
27 pursuant to a standardized procedure or protocol described in
28 Section 3640.5, or the pharmacist who functions pursuant to a
29 policy, procedure, or protocol pursuant to ~~either Section 4052.1~~
30 ~~or 4052.2~~ *Section 4052.1, 4052.2, or 4052.6* orders otherwise,
31 either the manufacturer's trade name of the drug or the generic
32 name and the name of the manufacturer. Commonly used
33 abbreviations may be used. Preparations containing two or more
34 active ingredients may be identified by the manufacturer's trade
35 name or the commonly used name or the principal active
36 ingredients.

37 (2) The directions for the use of the drug.

38 (3) The name of the patient or patients.

39 (4) The name of the prescriber or, if applicable, the name of the
40 certified nurse-midwife who functions pursuant to a standardized

1 procedure or protocol described in Section 2746.51, the nurse
 2 practitioner who functions pursuant to a standardized procedure
 3 described in Section 2836.1 or protocol, the physician assistant
 4 who functions pursuant to Section 3502.1, the naturopathic doctor
 5 who functions pursuant to a standardized procedure or protocol
 6 described in Section 3640.5, or the pharmacist who functions
 7 pursuant to a policy, procedure, or protocol pursuant to ~~either~~
 8 ~~Section 4052.1 or 4052.2~~ *Section 4052.1, 4052.2, or 4052.6.*

9 (5) The date of issue.

10 (6) The name and address of the pharmacy, and prescription
 11 number or other means of identifying the prescription.

12 (7) The strength of the drug or drugs dispensed.

13 (8) The quantity of the drug or drugs dispensed.

14 (9) The expiration date of the effectiveness of the drug
 15 dispensed.

16 (10) The condition or purpose for which the drug was prescribed
 17 if the condition or purpose is indicated on the prescription.

18 (11) (A) Commencing January 1, 2006, the physical description
 19 of the dispensed medication, including its color, shape, and any
 20 identification code that appears on the tablets or capsules, except
 21 as follows:

22 (i) Prescriptions dispensed by a veterinarian.

23 (ii) An exemption from the requirements of this paragraph shall
 24 be granted to a new drug for the first 120 days that the drug is on
 25 the market and for the 90 days during which the national reference
 26 file has no description on file.

27 (iii) Dispensed medications for which no physical description
 28 exists in any commercially available database.

29 (B) This paragraph applies to outpatient pharmacies only.

30 (C) The information required by this paragraph may be printed
 31 on an auxiliary label that is affixed to the prescription container.

32 (D) This paragraph shall not become operative if the board,
 33 prior to January 1, 2006, adopts regulations that mandate the same
 34 labeling requirements set forth in this paragraph.

35 (b) If a pharmacist dispenses a prescribed drug by means of a
 36 unit dose medication system, as defined by administrative
 37 regulation, for a patient in a skilled nursing, intermediate care, or
 38 other health care facility, the requirements of this section will be
 39 satisfied if the unit dose medication system contains the

1 aforementioned information or the information is otherwise readily
2 available at the time of drug administration.

3 (c) If a pharmacist dispenses a dangerous drug or device in a
4 facility licensed pursuant to Section 1250 of the Health and Safety
5 Code, it is not necessary to include on individual unit dose
6 containers for a specific patient, the name of the certified
7 nurse-midwife who functions pursuant to a standardized procedure
8 or protocol described in Section 2746.51, the nurse practitioner
9 who functions pursuant to a standardized procedure described in
10 Section 2836.1 or protocol, the physician assistant who functions
11 pursuant to Section 3502.1, the naturopathic doctor who functions
12 pursuant to a standardized procedure or protocol described in
13 Section 3640.5, or the pharmacist who functions pursuant to a
14 policy, procedure, or protocol pursuant to ~~either Section 4052.1~~
15 ~~or 4052.2~~ *Section 4052.1, 4052.2, or 4052.6.*

16 (d) If a pharmacist dispenses a prescription drug for use in a
17 facility licensed pursuant to Section 1250 of the Health and Safety
18 Code, it is not necessary to include the information required in
19 paragraph (11) of subdivision (a) when the prescription drug is
20 administered to a patient by a person licensed under the Medical
21 Practice Act (Chapter 5 (commencing with Section 2000)), the
22 Nursing Practice Act (Chapter 6 (commencing with Section 2700)),
23 or the Vocational Nursing Practice Act (Chapter 6.5 (commencing
24 with Section 2840)), who is acting within his or her scope of
25 practice.

26 *SEC. 13. Section 4111 of the Business and Professions Code*
27 *is amended to read:*

28 4111. (a) Except as otherwise provided in subdivision (b), (d),
29 or (e), the board shall not issue or renew a license to conduct a
30 pharmacy to any of the following:

31 (1) A person or persons authorized to prescribe or write a
32 prescription, as specified in Section 4040, in the State of California.

33 (2) A person or persons with whom a person or persons specified
34 in paragraph (1) shares a community or other financial interest in
35 the permit sought.

36 (3) Any corporation that is controlled by, or in which 10 percent
37 or more of the stock is owned by a person or persons prohibited
38 from pharmacy ownership by paragraph (1) or (2).

1 (b) Subdivision (a) shall not preclude the issuance of a permit
2 for an inpatient hospital pharmacy to the owner of the hospital in
3 which it is located.

4 (c) The board may require any information the board deems is
5 reasonably necessary for the enforcement of this section.

6 (d) Subdivision (a) shall not preclude the issuance of a new or
7 renewal license for a pharmacy to be owned or owned and operated
8 by a person licensed on or before August 1, 1981, under the
9 Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2
10 (commencing with Section 1340) of Division 2 of the Health and
11 Safety Code) and qualified on or before August 1, 1981, under
12 subsection (d) of Section 1310 of Title XIII of the federal Public
13 Health Service Act, as amended, whose ownership includes persons
14 defined pursuant to paragraphs (1) and (2) of subdivision (a).

15 (e) Subdivision (a) shall not preclude the issuance of a new or
16 renewal license for a pharmacy to be owned or owned and operated
17 by a pharmacist authorized to issue a drug order pursuant to either
18 Section 4052.1 or 4052.2 4052.1, 4052.2, or 4052.6.

19 *SEC. 14. Section 4174 of the Business and Professions Code*
20 *is amended to read:*

21 4174. Notwithstanding any other provision of law, a pharmacist
22 may dispense drugs or devices upon the drug order of a nurse
23 practitioner functioning pursuant to Section 2836.1 or a certified
24 nurse-midwife functioning pursuant to Section 2746.51, a drug
25 order of a physician assistant functioning pursuant to Section
26 3502.1 or a naturopathic doctor functioning pursuant to Section
27 3640.5, or the order of a pharmacist acting under Section 4052.1,
28 4052.2, or 4052.3 4052.3, or 4052.6.

29 ~~SEC. 11.~~

30 *SEC. 15. Section 4210 is added to the Business and Professions*
31 *Code, to read:*

32 4210. (a) A person who seeks recognition as an advanced
33 practice pharmacist shall meet all of the following requirements:

34 (1) Hold an active license to practice pharmacy issued pursuant
35 to this chapter that is in good standing.

36 (2) Satisfy any two of the following criteria:

37 (A) Earn certification in a relevant area of practice, including,
38 but not limited to, ambulatory care, critical care, nuclear pharmacy,
39 nutrition support pharmacy, oncology pharmacy, pediatric
40 pharmacy, pharmacotherapy, or psychiatric pharmacy, from an

1 organization recognized by the Accreditation Council for Pharmacy
2 Education or another entity recognized by the board.

3 (B) Complete a ~~one-year~~ postgraduate residency through an
4 accredited postgraduate institution where at least 50 percent of the
5 experience includes the provision of direct patient care services
6 with interdisciplinary teams.

7 (C) ~~Have actively managed~~ *provided clinical services to patients*
8 for at least one year under a collaborative practice agreement or
9 protocol with a physician, advanced practice pharmacist,
10 pharmacist practicing collaborative drug therapy management, or
11 health system.

12 (3) File an application with the board for recognition as an
13 advanced practice pharmacist.

14 (4) Pay the applicable fee to the board.

15 (b) An advanced practice pharmacist recognition issued pursuant
16 to this section shall be valid for two years, coterminous with the
17 certificate holder's license to practice pharmacy.

18 (c) The board shall adopt regulations establishing the means of
19 documenting completion of the requirements in this section.

20 (d) The board shall, by regulation, set the fee for the issuance
21 and renewal of advanced practice pharmacist recognition at the
22 reasonable cost of regulating advanced practice pharmacists
23 pursuant to this chapter. The fee shall not exceed three hundred
24 dollars (\$300).

25 ~~SEC. 12.~~

26 *SEC. 16.* Section 4233 is added to the Business and Professions
27 Code, to read:

28 4233. A pharmacist who is recognized as an advanced practice
29 pharmacist shall complete 10 hours of continuing education each
30 renewal cycle in addition to the requirements of Section 4231. The
31 subject matter shall be in one or more areas of practice relevant to
32 the pharmacist's clinical practice.

33 ~~SEC. 13.~~

34 *SEC. 17.* No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 the only costs that may be incurred by a local agency or school
37 district will be incurred because this act creates a new crime or
38 infraction, eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section 17556 of
40 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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