

Assembly Bill No. 2045

CHAPTER 562

An act to add Section 4306.6 to the Business and Professions Code, relating to pharmacists.

[Approved by Governor September 14, 2002. Filed with Secretary of State September 15, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, Matthews. Pharmacists: disciplinary actions.

Existing law, the Pharmacy Law, requires each pharmacy to designate a pharmacist-in-charge who is responsible for the pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy. The law makes a pharmacist subject to disciplinary action by the California State Board of Pharmacy for the commission of unprofessional conduct, which may include an act or omission that arises in the course of the pharmacist's practice or in his or her ownership, management, administration, or operation of a pharmacy or other entity licensed by the board.

This bill would require the board in a disciplinary action against a pharmacist-in-charge for the violation by another person of a state or federal law or regulation pertaining to the practice of pharmacy, to use a report made by the pharmacist-in-charge of the violation or suspected violation as a mitigating factor, if specified conditions are met.

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

SECTION 1. Section 4306.6 is added to the Business and Professions Code, to read:

4306.6. If the board disciplines a pharmacist-in-charge for the violation of a state or federal law or regulation committed by another person and the pharmacist-in-charge reported to the board that violation or suspected violation, the board shall use the report as a mitigating factor if all of the following conditions are met:

(a) The pharmacist-in-charge did not engage, either directly or indirectly, in any conduct that violated any state or federal law or regulation pertaining to the practice of pharmacy.

(b) The pharmacist-in-charge did not permit, encourage, approve of, either tacitly or implicitly or through willful ignorance, any conduct committed by another person that violated state or federal law or regulation pertaining to the practice of pharmacy.



(c) The pharmacist-in-charge reported the violation, or suspected violation, of any state or federal law or regulation pertaining to the practice of pharmacy to the board as soon as reasonably possible following the discovery of the violation.

(d) The pharmacist-in-charge took all actions reasonably necessary to stop and remedy the violation, or suspected violation, of any state or federal law or regulation pertaining to the practice of pharmacy as soon as reasonably possible following the discovery of the violation.

