

---

---

**Introduced by Senator Alpert**

February 20, 2003

---

---

An act to amend Section 4052 of the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 490, as introduced, Alpert. Pharmacy: prescriptions.

Existing law regulates the practice of pharmacy by the California State Board of Pharmacy. Under existing law, a pharmacist may not, in general, furnish a dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian. However, existing law authorizes a pharmacist to initiate emergency contraception drug therapy in accordance with standardized protocols developed by the pharmacist and an authorized prescriber acting within his or her scope of practice.

This bill would also authorize a pharmacist to initiate emergency contraception drug therapy in accordance with a standardized procedure or protocol approved by the board.

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

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

- 1 SECTION 1. Section 4052 of the Business and Professions
- 2 Code is amended to read:
- 3 4052. (a) Notwithstanding any other provision of law, a
- 4 pharmacist may:
- 5 (1) Furnish a reasonable quantity of compounded medication
- 6 to a prescriber for office use by the prescriber.

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

2 (3) Administer, orally or topically, drugs and biologicals  
3 pursuant to a prescriber's order.

4 (4) Perform the following procedures or functions in a licensed  
5 health care facility in accordance with policies, procedures, or  
6 protocols developed by health professionals, including physicians,  
7 pharmacists, and registered nurses, with the concurrence of the  
8 facility administrator:

9 (A) Ordering or performing routine drug therapy-related  
10 patient assessment procedures including temperature, pulse, and  
11 respiration.

12 (B) Ordering drug therapy-related laboratory tests.

13 (C) Administering drugs and biologicals by injection pursuant  
14 to a prescriber's order (the administration of immunizations under  
15 the supervision of a prescriber may also be performed outside of  
16 a licensed health care facility).

17 (D) Initiating or adjusting the drug regimen of a patient  
18 pursuant to an order or authorization made by the patient's  
19 prescriber and in accordance with the policies, procedures, or  
20 protocols of the licensed health care facility.

21 (5) (A) Perform the following procedures or functions as part  
22 of the care provided by a health care facility, a licensed home  
23 health agency, a licensed clinic in which there is a physician  
24 oversight, a provider who contracts with a licensed health care  
25 service plan with regard to the care or services provided to the  
26 enrollees of that health care service plan, or a physician, in  
27 accordance, as applicable, with policies, procedures, or protocols  
28 of that facility, the home health agency, the licensed clinic, the  
29 health care service plan, or that physician, in accordance with  
30 subparagraph (C):

31 (i) Ordering or performing routine drug therapy-related patient  
32 assessment procedures including temperature, pulse, and  
33 respiration.

34 (ii) Ordering drug therapy-related laboratory tests.

35 (iii) Administering drugs and biologicals by injection pursuant  
36 to a prescriber's order (the administration of immunizations under  
37 the supervision of a prescriber may also be performed outside of  
38 a licensed health care facility).

39 (iv) Initiating or adjusting the drug regimen of a patient  
40 pursuant to a specific written order or authorization made by the



1 patient's prescriber for the individual patient, and in accordance  
2 with the policies, procedures, or protocols of the health care  
3 facility, home health agency, licensed clinic, health care service  
4 plan, or physician. Adjusting the drug regimen does not include  
5 substituting or selecting a different drug, except as authorized by  
6 the protocol. The pharmacist shall provide written notification to  
7 the patient's prescriber, or enter the appropriate information in an  
8 electronic patient record system shared by the prescriber, of any  
9 drug regimen initiated pursuant to this clause within 24 hours.

10 (B) A patient's prescriber may prohibit, by written instruction,  
11 any adjustment or change in the patient's drug regimen by the  
12 pharmacist.

13 (C) The policies, procedures, or protocols referred to in this  
14 paragraph shall be developed by health care professionals,  
15 including physicians, pharmacists, and registered nurses, and, at  
16 a minimum, meet all of the following requirements:

17 (i) Require that the pharmacist function as part of a  
18 multidisciplinary group that includes physicians and direct care  
19 registered nurses. The multidisciplinary group shall determine the  
20 appropriate participation of the pharmacist and the direct care  
21 registered nurse.

22 (ii) Require that the medical records of the patient be available  
23 to both the patient's prescriber and the pharmacist.

24 (iii) Require that the procedures to be performed by the  
25 pharmacist relate to a condition for which the patient has first been  
26 seen by a physician.

27 (iv) Except for procedures or functions provided by a health  
28 care facility, a licensed clinic in which there is physician oversight,  
29 or a provider who contracts with a licensed health care plan with  
30 regard to the care or services provided to the enrollees of that  
31 health care service plan, require the procedures to be performed in  
32 accordance with a written, patient-specific protocol approved by  
33 the treating or supervising physician. Any change, adjustment, or  
34 modification of an approved preexisting treatment or drug therapy  
35 shall be provided in writing to the treating or supervising physician  
36 within 24 hours.

37 (6) Manufacture, measure, fit to the patient, or sell and repair  
38 dangerous devices or furnish instructions to the patient or the  
39 patient's representative concerning the use of those devices.



1 (7) Provide consultation to patients and professional  
2 information, including clinical or pharmacological information,  
3 advice, or consultation to other health care professionals.

4 (8) Initiate emergency contraception drug therapy in  
5 accordance with ~~standardized~~ *either of the following*:

6 (A) *Standardized* procedures or protocols developed by the  
7 pharmacist and an authorized prescriber who is acting within his  
8 or her scope of practice. ~~Prior~~

9 (B) *A standardized procedure or protocol approved by the*  
10 *board.*

11 *Prior* to performing any procedure authorized under this  
12 paragraph, a pharmacist shall have completed a training program  
13 on emergency contraception, which includes, but is not limited to,  
14 conduct of sensitive communications, quality assurance, referral  
15 to additional services, and documentation.

16 (b) (1) Prior to performing any procedure authorized by  
17 paragraph (4) of subdivision (a), a pharmacist shall have received  
18 appropriate training as prescribed in the policies and procedures  
19 of the licensed health care facility.

20 (2) Prior to performing any procedure authorized by paragraph  
21 (5) of subdivision (a), a pharmacist shall have either (A)  
22 successfully completed clinical residency training or (B)  
23 demonstrated clinical experience in direct patient care delivery.

24 (3) For each emergency contraception drug therapy initiated  
25 pursuant to paragraph (8) of subdivision (a), the pharmacist shall  
26 provide the recipient of the emergency contraception drugs with  
27 a standardized factsheet that includes, but is not limited to, the  
28 indications for use of the drug, the appropriate method for using  
29 the drug, the need for medical followup, and other appropriate  
30 information. The board shall develop this form in consultation  
31 with the State Department of Health Services, the American  
32 College of Obstetricians and Gynecologists, the California  
33 Pharmacists Association, and other health care organizations. The  
34 provisions of this section do not preclude the use of existing  
35 publications developed by nationally recognized medical  
36 organizations.

37 (c) Nothing in this section shall affect the requirements of  
38 existing law relating to maintaining the confidentiality of medical  
39 records.



- 1 (d) Nothing in this section shall affect the requirements of
- 2 existing law relating to the licensing of a health care facility.

O

