

AMENDED IN ASSEMBLY JULY 16, 2003

AMENDED IN SENATE APRIL 24, 2003

AMENDED IN SENATE MARCH 27, 2003

**SENATE BILL**

**No. 490**

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**Introduced by Senator Alpert**  
**(Coauthor: Senator Bowen)**  
*(Coauthor: Assembly Member Cohn)*

February 20, 2003

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

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law, the Pharmacy Law, creates the California State Board of Pharmacy and makes it responsible for regulating the practice of pharmacy. *A knowing violation of the Pharmacy Law is a crime.* Under that 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 furnish emergency contraception drug therapy in accordance with a standardized procedure or protocol developed and approved by both the board and the Medical Board of California, in consultation with specified entities. *The bill would require a pharmacist to complete a specified training program before performing emergency contraception drug therapy.*

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

*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: ~~no~~ yes.

*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.
- 7 (2) Transmit a valid prescription to another pharmacist.
- 8 (3) Administer, orally or topically, drugs and biologicals
- 9 pursuant to a prescriber’s order.
- 10 (4) Perform the following procedures or functions in a licensed
- 11 health care facility in accordance with policies, procedures, or
- 12 protocols developed by health professionals, including physicians,
- 13 pharmacists, and registered nurses, with the concurrence of the
- 14 facility administrator:
- 15 (A) Ordering or performing routine drug therapy related
- 16 patient assessment procedures including temperature, pulse, and
- 17 respiration.
- 18 (B) Ordering drug therapy related laboratory tests.
- 19 (C) Administering drugs and biologicals by injection pursuant
- 20 to a prescriber’s order (the administration of immunizations under
- 21 the supervision of a prescriber may also be performed outside of
- 22 a licensed health care facility).
- 23 (D) Initiating or adjusting the drug regimen of a patient
- 24 pursuant to an order or authorization made by the patient’s
- 25 prescriber and in accordance with the policies, procedures, or
- 26 protocols of the licensed health care facility.



1 (5) (A) Perform the following procedures or functions as part  
2 of the care provided by a health care facility, a licensed home  
3 health agency, a licensed clinic in which there is a physician  
4 oversight, a provider who contracts with a licensed health care  
5 service plan with regard to the care or services provided to the  
6 enrollees of that health care service plan, or a physician, in  
7 accordance, as applicable, with policies, procedures, or protocols  
8 of that facility, the home health agency, the licensed clinic, the  
9 health care service plan, or that physician, in accordance with  
10 subparagraph (C):

11 (i) Ordering or performing routine drug therapy related patient  
12 assessment procedures including temperature, pulse, and  
13 respiration.

14 (ii) Ordering drug therapy related laboratory tests.

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

19 (iv) Initiating or adjusting the drug regimen of a patient  
20 pursuant to a specific written order or authorization made by the  
21 patient's prescriber for the individual patient, and in accordance  
22 with the policies, procedures, or protocols of the health care  
23 facility, home health agency, licensed clinic, health care service  
24 plan, or physician. Adjusting the drug regimen does not include  
25 substituting or selecting a different drug, except as authorized by  
26 the protocol. The pharmacist shall provide written notification to  
27 the patient's prescriber, or enter the appropriate information in an  
28 electronic patient record system shared by the prescriber, of any  
29 drug regimen initiated pursuant to this clause within 24 hours.

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

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

37 (i) Require that the pharmacist function as part of a  
38 multidisciplinary group that includes physicians and direct care  
39 registered nurses. The multidisciplinary group shall determine the



1 appropriate participation of the pharmacist and the direct care  
2 registered nurse.

3 (ii) Require that the medical records of the patient be available  
4 to both the patient’s prescriber and the pharmacist.

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

8 (iv) Except for procedures or functions provided by a health  
9 care facility, a licensed clinic in which there is physician oversight,  
10 or a provider who contracts with a licensed health care plan with  
11 regard to the care or services provided to the enrollees of that  
12 health care service plan, require the procedures to be performed in  
13 accordance with a written, patient-specific protocol approved by  
14 the treating or supervising physician. Any change, adjustment, or  
15 modification of an approved preexisting treatment or drug therapy  
16 shall be provided in writing to the treating or supervising physician  
17 within 24 hours.

18 (6) Manufacture, measure, fit to the patient, or sell and repair  
19 dangerous devices or furnish instructions to the patient or the  
20 patient’s representative concerning the use of those devices.

21 (7) Provide consultation to patients and professional  
22 information, including clinical or pharmacological information,  
23 advice, or consultation to other health care professionals.

24 (8) Furnish emergency contraception drug therapy in  
25 accordance with either of the following:

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

29 (B) Standardized procedures or protocols developed and  
30 approved by both the board and the Medical Board of California  
31 in consultation with the American College of Obstetricians and  
32 Gynecologists, the California Pharmacist Association, and other  
33 appropriate entities. Both the board and the Medical Board of  
34 California shall have authority to ensure compliance with this  
35 subparagraph, and both boards are specifically charged with the  
36 enforcement of this provision with respect to their respective  
37 licensees. Nothing in this subparagraph shall be construed to  
38 expand the authority of a pharmacist to prescribe any prescription  
39 medication.



1 ~~(9) Prior to furnishing emergency contraception drug therapy~~  
2 ~~authorized under paragraph (8), a pharmacist shall receive training~~  
3 ~~regarding the appropriate use and indications for emergency~~  
4 ~~contraception.~~

5 *(9) Prior to performing a procedure authorized under*  
6 *paragraph (8), a pharmacist shall complete a training program on*  
7 *emergency contraception consisting of at least one hour of*  
8 *approved continuing education on emergency contraception drug*  
9 *therapy.*

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

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

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

31 (c) Nothing in this section shall affect the requirements of  
32 existing law relating to maintaining the confidentiality of medical  
33 records.

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

36 *SEC. 2. No reimbursement is required by this act pursuant to*  
37 *Section 6 of Article XIII B of the California Constitution because*  
38 *the only costs that may be incurred by a local agency or school*  
39 *district will be incurred because this act creates a new crime or*  
40 *infraction, eliminates a crime or infraction, or changes the penalty*



1 *for a crime or infraction, within the meaning of Section 17556 of*  
2 *the Government Code, or changes the definition of a crime within*  
3 *the meaning of Section 6 of Article XIII B of the California*  
4 *Constitution.*

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