

Introduced by Committee on Business and Professions (Senators Figueroa (Chair), Brulte, Cedillo, Machado, Murray, and Vincent)

March 17, 2004

An act to amend Sections 28, 1274, 2041, 2462, 2470.14, 2902, 2915.7, 2936, 4005, 4030, 4059.5, 4076, 4081, 4101, 4114, 4200, 4409, 4980.395, 4990.4, ~~4995.26, 4996.18, and 4996.20~~ 4996.18, 4996.20, and 4996.25 of, and to add Sections 4026.5, 4107, 4208, and 4209 to, the Business and Professions Code, and to amend Sections 11159.1, 11207, and 111625 of the Health and Safety Code, relating to professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1913, as amended, Committee on Business and Professions. Professions.

(1) Existing law provides for the licensing and regulation of psychologists, clinical social workers, and marriage and family therapists. Existing law requires a person applying for licensure as a psychologist, clinical social worker, or marriage and family therapist on and after January 1, 1987, to have completed specified coursework or training in child abuse assessment and reporting from certain types of institutions.

This bill would revise the types of educational institutions from which the training may be obtained.

(2) Existing law provides for the regulation of clinical laboratories. Existing law requires a clinical laboratory to send to persons submitting cytological samples for evaluation information letters on all cases of

dysplasia, and requires that, when a clinical lab determines that an abnormality of dysplasia has been identified for a patient for whom the lab earlier reported a normal finding, all previous cytologic slides on that patient be reexamined by the lab.

This bill would instead state that these requirements are applicable to cases of high-grade squamous intraepithelial lesions.

(3) Existing law provides for the regulation and licensure of podiatrists by the California Board of Podiatric Medicine, in the Medical Board of California. The California Board of Podiatric Medicine consists of specified members, 5 of whom are appointed by the Governor, and requires the Governor to give consideration to recommendations of the board, except with regard to the public members.

This bill would remove the requirement that the Governor give consideration to the recommendations of the board in appointing members to the board.

(4) Existing law provides for the licensure and regulation of occupational therapists by the California Board of Occupational Therapy. Existing law requires an initial applicant for an occupational therapy license to provide evidence of certain qualifications, including evidence of having successfully completed a board-approved education program specifically designed for applicants preparing for reentry into the field of occupational therapy.

This bill would delete the requirement that an applicant provide evidence of having successfully completed a board-approved educational program specifically designed for applicants preparing for reentry into the field of occupational therapy.

(5) Existing law provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law requires licensed psychologists to post a notice to consumers containing specified language regarding the Board of Psychology.

This bill would revise the language in the notice, ~~and would require the licensee to post the notice in English as well as in any other languages spoken by their patients during therapy.~~

(6) Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacies and pharmacists by the California State Board of Pharmacy, in the Department of Consumers Affairs. A knowing violation of the Pharmacy Law is a crime.



Existing law authorizes the board to adopt rules and regulations necessary for the protection of the public, and specifies rules and regulations that may be adopted.

This bill would add rules and regulations relating to the pharmacy practice experience necessary for licensure as a pharmacist. The bill would also define a license in good standing as a license issued by the board that is unrestricted by disciplinary action.

Existing law generally requires dangerous drugs or dangerous devices to be delivered to a licensed pharmacy premises and signed for and received by the pharmacist-in-charge or, in his or her absence, another pharmacist he or she delegates.

This bill would instead require signature by and delivery to a pharmacist. The bill would authorize a pharmacy to take delivery of dangerous drugs or dangerous devices when the pharmacy is closed and no pharmacist is on duty if specified requirements are met.

Existing law prohibits a pharmacist from dispensing a prescription except in a container that meets specified labeling requirements, including a label that contains the name of the prescriber. Existing law authorizes a pharmacist to furnish certain medications without a prescription if specified conditions are met.

This bill would require a pharmacist who furnishes medications without a prescription, as specified, to indicate his or her name on the container. ~~This bill would prohibit the board from issuing or, effective July 1, 2004, from renewing a site license to a facility located in a personal residence.~~ The bill would also prohibit the board from issuing more than one site license to a single premises, except as specified.

Existing law defines an intern pharmacist as a person registered with the board who has completed education requirements determined by the board. Existing law authorizes an intern pharmacist to perform activities pertaining to the practice of pharmacy as determined by the board, and requires that an act restricted to a pharmacist may be performed by an intern pharmacist only under the supervision of a pharmacist. Existing law prohibits a pharmacist from supervising more than one intern pharmacist at a time.

This bill would require the licensure of intern pharmacists and would set forth specified requirements that an intern pharmacist must meet, and conditions under which intern pharmacist license may be issued. The bill would also authorize an intern pharmacist to perform all functions of a pharmacist at the discretion of and under the supervision of a pharmacist whose license is in good standing with the board, and



would prohibit a pharmacist from supervising more than two intern pharmacists at one time.

Existing law requires an applicant for licensure as a pharmacist who has graduated from a foreign pharmacy school to, among other things, receive a grade satisfactory to the board on an examination designed to measure equivalency.

This bill would instead require a foreign-educated applicant to be certified by the Foreign Pharmacy Graduate Examination Committee.

Existing law authorizes a pharmacist or pharmacy renewing a license to make a \$25 contribution to the board to fund the California Pharmacist Scholarship and Loan Repayment Program.

This bill would require that the contribution be at least \$25.

Because this bill would create new requirements and prohibitions applicable to pharmacists, the knowing violation of which would be a crime, it would impose a state-mandated local program.

(7) Existing law provides for the licensing and regulation of social workers by the Board of Behavioral Sciences in the Department of Consumer Affairs. Existing law sets forth an initial registration fee as an associate clinical social worker of \$90. Existing law requires an applicant for registration or licensure trained in an educational institution outside of the United States to meet specified requirements.

This bill would change the initial registration fee to \$75. The bill would also revise the licensure requirements for foreign graduates.

(8) Existing law regulates the manufacture of pharmaceuticals.

This bill would prohibit a manufacturer of pharmaceuticals from operating without employing sufficient, qualified supervision to adequately safeguard and protect the public health.

(9) 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 28 of the Business and Professions Code
2 is amended to read:



1 28. The Legislature finds that there is a need to ensure that
2 professionals of the healing arts who have demonstrable contact
3 with child abuse victims, potential child abuse victims, and child
4 abusers and potential child abusers are provided with adequate and
5 appropriate training regarding the assessment and reporting of
6 child abuse which will ameliorate, reduce, and eliminate the
7 trauma of child abuse and neglect and ensure the reporting of child
8 abuse in a timely manner to prevent additional occurrences.

9 The Board of Psychology and the Board of Behavioral Sciences
10 shall establish required training in the area of child abuse
11 assessment and reporting for all persons applying for initial
12 licensure and renewal of a license as a psychologist, clinical social
13 worker, or marriage and family therapist on or after January 1,
14 1987. This training shall be required one time only for all persons
15 applying for initial licensure or for licensure renewal on or after
16 January 1, 1987.

17 All persons applying for initial licensure and renewal of a
18 license as a psychologist, clinical social worker, or marriage and
19 family therapist on or after January 1, 1987, shall, in addition to
20 all other requirements for licensure or renewal, have completed
21 coursework or training in child abuse assessment and reporting
22 which meets the requirements of this section, including detailed
23 knowledge of Section 11165 of the Penal Code. The training shall
24 meet all of the following requirements:

- 25 (a) Be completed after January 1, 1983.
- 26 (b) Be obtained from one of the following sources:
 - 27 (1) An accredited or approved educational institution, as
 - 28 defined in Section 2902, including extension courses offered by
 - 29 those institutions.
 - 30 (2) A continuing education provider approved by the
 - 31 responsible board or examining committee.
 - 32 (3) A course sponsored or offered by a professional association
 - 33 or a local, county, or state department of health or mental health
 - 34 for continuing education and approved by the responsible board.
- 35 (c) Have a minimum of 7 contact hours.
- 36 (d) Include the study of the assessment and method of reporting
- 37 of sexual assault, neglect, severe neglect, general neglect, willful
- 38 cruelty or unjustifiable punishment, corporal punishment or
- 39 injury, and abuse in out-of-home care. The training shall also
- 40 include physical and behavioral indicators of abuse, crisis



1 counseling techniques, community resources, rights and
2 responsibilities of reporting, consequences of failure to report,
3 caring for a child's needs after a report is made, sensitivity to
4 previously abused children and adults, and implications and
5 methods of treatment for children and adults.

6 (e) An applicant shall provide the appropriate board with
7 documentation of completion of the required child abuse training.

8 The Board of Psychology and the Board of Behavioral Sciences
9 shall exempt an applicant who applies for an exemption from the
10 requirements of this section and who shows to the satisfaction of
11 the board that there would be no need for the training in his or her
12 practice because of the nature of that practice.

13 It is the intent of the Legislature that a person licensed as a
14 psychologist, clinical social worker, or marriage and family
15 therapist have minimal but appropriate training in the areas of
16 child abuse assessment and reporting. It is not intended that by
17 solely complying with the requirements of this section, a
18 practitioner is fully trained in the subject of treatment of child
19 abuse victims and abusers.

20 (f) This section shall become operative on January 1, 1997.

21 SEC. 2. Section 1274 of the Business and Professions Code
22 is amended to read:

23 1274. (a) A laboratory shall send to persons submitting
24 cytologic samples for evaluation, on a quarterly basis,
25 informational letters on all cases of HSIL (high-grade squamous
26 intraepithelial lesions). Copies of letters to those persons, and
27 responses received to those letters, shall be maintained on file by
28 the laboratories for a period of five years.

29 (b) Whenever it becomes known to a clinical laboratory that an
30 abnormality of HSIL (high-grade squamous intraepithelial
31 lesions) has been identified for a patient for whom the clinical
32 laboratory earlier reported a normal finding, all previous available
33 cytologic slides on that patient shall be reexamined by the clinical
34 laboratory.

35 (c) Records of the review of previous slides required by
36 subdivision (b) shall be maintained by the clinical laboratory,
37 including the name of the individual performing the earlier
38 examination.

39 (d) A clinical laboratory shall maintain records of all false
40 positive and false negative cases.



1 When any errors in the reporting of a smear evaluation are
2 discovered, a corrected report shall be immediately sent, when
3 medically applicable. Copies of corrected reports shall be
4 maintained in the laboratory records for a period of 10 years.

5 SEC. 3. Section 2041 of the Business and Professions Code
6 is amended to read:

7 2041. The term “licensee” as used in this chapter means the
8 holder of a physician’s and surgeon’s certificate or doctor of
9 podiatric medicine’s certificate, as the case may be, who is
10 engaged in the professional practice authorized by such certificate
11 under the jurisdiction of the appropriate division, board, or
12 examining committee.

13 SEC. 4. Section 2462 of the Business and Professions Code
14 is amended to read:

15 2462. The board shall consist of seven members, three of
16 whom shall be public members. Not more than one member of the
17 board shall be a full-time faculty member of a college or school of
18 podiatric medicine.

19 The Governor shall appoint the four members qualified as
20 provided in Section 2463 and one public member. The Senate
21 Rules Committee and the Speaker of the Assembly shall each
22 appoint a public member.

23 SEC. 5. Section 2570.14 of the Business and Professions
24 Code is amended to read:

25 2570.14. An initial applicant who has not been actively
26 engaged in the practice of occupational therapy within the past five
27 years shall provide to the board, in addition to the requirements for
28 licensure under Section 2570.6, any of the following:

29 (a) Evidence of continued competency as referred to in
30 subdivision (b) of Section 2570.10 for the previous two-year
31 period.

32 (b) Evidence of having completed the entry-level certification
33 examination as described in subdivision (b) of Section 2570.7
34 within the previous two-year period.

35 SEC. 6. Section 2902 of the Business and Professions Code
36 is amended to read:

37 2902. As used in this chapter, unless the context clearly
38 requires otherwise and except as in this chapter expressly
39 otherwise provided the following definitions apply:



1 (a) “Licensed psychologist” means an individual to whom a
2 license has been issued pursuant to the provisions of this chapter,
3 which license is in force and has not been suspended or revoked.

4 (b) “Board” means the Board of Psychology.

5 (c) A person represents himself or herself to be a psychologist
6 when the person holds himself or herself out to the public by any
7 title or description of services incorporating the words
8 “psychology,” “psychological,” “psychologist,” “psychology
9 consultation,” “psychology consultant,” “psychometry,”
10 “psychometrics” or “psychometrist,” “psychotherapy,”
11 “psychotherapist,” “psychoanalysis,” or “psychoanalyst,” or
12 when the person holds himself or herself out to be trained,
13 experienced, or an expert in the field of psychology.

14 (d) “Accredited,” as used with reference to academic
15 institutions, means the University of California, the California
16 State University, or an institution that is accredited by a national
17 or an applicable regional accrediting agency recognized by the
18 United States Department of Education.

19 (e) “Approved,” as used with reference to academic
20 institutions, means an institution having “approval to operate,” as
21 defined in Section 94718 of the Education Code.

22 SEC. 7. Section 2915.7 of the Business and Professions Code
23 is amended to read:

24 2915.7. (a) A licensee who began graduate study prior to
25 January 1, 2004, shall complete a three-hour continuing education
26 course in aging and long-term care during his or her first renewal
27 period after the operative date of this section, and shall submit to
28 the board evidence acceptable to the board of the person’s
29 satisfactory completion of that course.

30 (b) The course should include, but is not limited to, the
31 biological, social, and psychological aspects of aging.

32 (c) Any person seeking to meet the requirements of subdivision
33 (a) of this section may submit to the board a certificate evidencing
34 completion of equivalent courses in aging and long-term care
35 taken prior to the operative date of this section, or proof of
36 equivalent teaching or practice experience. The board, in its
37 discretion, may accept that certification as meeting the
38 requirements of this section.

39 (d) The board may not renew an applicant’s license until the
40 applicant has met the requirements of this section.



1 (c) This section shall become operative on January 1, 2005.
2 SEC. 8. Section 2936 of the Business and Professions Code
3 is amended to read:

4 2936. The board shall adopt a program of consumer and
5 professional education in matters relevant to the ethical practice of
6 psychology. The board shall establish as its standards of ethical
7 conduct relating to the practice of psychology, the code of ethics
8 adopted and published by the American Psychological
9 Association (APA). Those standards shall be applied by the board
10 as the accepted standard of care in all licensing examination
11 development and in all board enforcement policies and
12 disciplinary case evaluations.

13 To facilitate consumers in receiving appropriate psychological
14 services, all licensees and registrants shall be required to post, in
15 a conspicuous location in their principal psychological business
16 office, a notice which reads as follows:

17
18 “NOTICE TO CONSUMERS: The Department of Consumer
19 Affair’s Board of Psychology receives and responds to
20 questions and complaints regarding the practice of psychology.
21 If you have questions or complaints, you may contact the board
22 on the Internet at www.psychboard.ca.gov, by calling
23 1-866-503-3221, or by writing to the following address:

24
25 Board of Psychology
26 1422 Howe Avenue, Suite 22
27 Sacramento, California 95825-3236”
28

29 ~~A licensee shall post the Notice to Consumers in English as well~~
30 ~~as in any other language(s) spoken by their patients during therapy.~~

31 SEC. 9. Section 4005 of the Business and Professions Code
32 is amended to read:

33 4005. (a) The board may adopt rules and regulations, not
34 inconsistent with the laws of this state, as may be necessary for the
35 protection of the public. Included therein shall be the right to adopt
36 rules and regulations as follows: for the proper and more effective
37 enforcement and administration of this chapter; pertaining to the
38 practice of pharmacy; relating to the sanitation of persons and
39 establishments licensed under this chapter; pertaining to
40 establishments wherein any drug or device is compounded,



1 prepared, furnished, or dispensed; providing for standards of
2 minimum equipment for establishments licensed under this
3 chapter; pertaining to the sale of drugs by or through any
4 mechanical device; and relating to pharmacy practice experience
5 necessary for licensure as a pharmacist.

6 (b) Notwithstanding any provision of this chapter to the
7 contrary, the board may adopt regulations permitting the
8 dispensing of drugs or devices in emergency situations, and
9 permitting dispensing of drugs or devices pursuant to a
10 prescription of a person licensed to prescribe in a state other than
11 California where the person, if licensed in California in the same
12 licensure classification would, under California law, be permitted
13 to prescribe drugs or devices and where the pharmacist has first
14 interviewed the patient to determine the authenticity of the
15 prescription.

16 (c) The board may, by rule or regulation, adopt, amend, or
17 repeal rules of professional conduct appropriate to the
18 establishment and maintenance of a high standard of integrity and
19 dignity in the profession. Every person who holds a license issued
20 by the board shall be governed and controlled by the rules of
21 professional conduct adopted by the board.

22 (d) The adoption, amendment, or repeal by the board of these
23 or any other board rules or regulations shall be in accordance with
24 Chapter 3.5 (commencing with Section 11340) of Part 1 of
25 Division 3 of Title 2 of the Government Code.

26 SEC. 10. Section 4026.5 is added to the Business and
27 Professions Code, to read:

28 4026.5. “Good standing” means a license issued by the board
29 that is unrestricted by disciplinary action taken pursuant to Chapter
30 5 (commencing with Section 11500) of Part 1 of Division 3 of Title
31 2 of the Government Code.

32 SEC. 11. Section 4030 of the Business and Professions Code
33 is amended to read:

34 4030. “Intern pharmacist” means a person issued a license
35 pursuant to Section 4208.

36 SEC. 12. Section 4059.5 of the Business and Professions
37 Code is amended to read:

38 4059.5. (a) Except as otherwise provided in this chapter,
39 dangerous drugs or dangerous devices may only be ordered by an
40 entity licensed by the board and shall be delivered to the licensed



1 premises and signed for and received by a pharmacist. Where a
2 licensee is permitted to operate through an exemptee, the
3 exemptee may sign for and receive the delivery.

4 (b) A dangerous drug or dangerous device transferred, sold, or
5 delivered to a person within this state shall be transferred, sold, or
6 delivered only to an entity licensed by the board, to a
7 manufacturer, or to an ultimate user or the ultimate user's agent.

8 (c) Notwithstanding subdivisions (a) and (b), deliveries to a
9 hospital pharmacy may be made to a central receiving location
10 within the hospital. However, the dangerous drugs or dangerous
11 devices shall be delivered to the licensed pharmacy premises
12 within one working day following receipt by the hospital, and the
13 pharmacist on duty at that time shall immediately inventory the
14 drugs or devices.

15 (d) Notwithstanding any other provision of law, a dangerous
16 drug or dangerous device may be ordered by and provided to a
17 manufacturer, physician, dentist, podiatrist, optometrist,
18 veterinarian, or laboratory, or a physical therapist acting within the
19 scope of his or her license. A person or entity receiving delivery
20 of a dangerous drug or device, or a duly authorized representative
21 of the person or entity, shall sign for the receipt of the dangerous
22 drug or dangerous device.

23 (e) A dangerous drug or dangerous device shall not be
24 transferred, sold, or delivered to a person outside this state,
25 whether foreign or domestic, unless the transferor, seller, or
26 deliverer does so in compliance with the laws of this state and of
27 the United States and of the state or country to which the drugs or
28 devices are to be transferred, sold, or delivered. Compliance with
29 the laws of this state and the United States and of the state or
30 country to which the drugs or devices are to be delivered shall
31 include, but not be limited to, determining that the recipient of the
32 drugs or devices is authorized by law to receive the drugs or
33 devices.

34 (f) Notwithstanding subdivision (a), a pharmacy may take
35 delivery of dangerous drugs and dangerous devices when the
36 pharmacy is closed and no pharmacist is on duty if all of the
37 following requirements are met:

38 (1) The drugs are placed in a secure storage facility in the same
39 building as the pharmacy.



1 (2) Only the pharmacist-in-charge or a pharmacist designated
2 by the pharmacist-in-charge has access to the secure storage
3 facility after dangerous drugs or dangerous devices have been
4 delivered.

5 (3) The secure storage facility has a means of indicating
6 whether it has been entered after dangerous drugs or dangerous
7 devices have been delivered.

8 (4) The pharmacy maintains written policies and procedures
9 for the delivery of dangerous drugs and dangerous devices to a
10 secure storage facility.

11 (5) The agent delivering dangerous drugs and dangerous
12 devices pursuant to this subdivision leaves documents indicating
13 the name and amount of each dangerous drug or dangerous device
14 delivered in the secure storage facility.

15 The pharmacy shall be responsible for the dangerous drugs and
16 dangerous devices delivered to the secure storage facility. The
17 pharmacy shall also be responsible for obtaining and maintaining
18 records relating to the delivery of dangerous drugs and dangerous
19 devices to a secure storage facility.

20 SEC. 13. Section 4076 of the Business and Professions Code
21 is amended to read:

22 4076. (a) A pharmacist may not dispense any prescription
23 except in a container that meets the requirements of state and
24 federal law and is correctly labeled with all of the following:

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

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

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

38 (4) The name of the prescriber or, if applicable, the certified
39 nurse-midwife who functions pursuant to a standardized
40 procedure or protocol described in Section 2746.51, the nurse



1 practitioner who functions pursuant to a standardized procedure
2 described in Section 2836.1, or protocol, a pharmacist who
3 functions under a protocol as described in Section 4052, or the
4 physician assistant who functions pursuant to Section 3502.1.

5 (5) The date of issue.

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

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

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

10 (9) The expiration date of the effectiveness of the drug
11 dispensed.

12 (10) The condition for which the drug was prescribed if
13 requested by the patient and the condition is indicated on the
14 prescription.

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

19 (i) Prescriptions dispensed by a veterinarian.

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

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

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

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

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

32 (b) If a pharmacist dispenses a prescribed drug by means of a
33 unit dose medication system, as defined by administrative
34 regulation, for a patient in a skilled nursing, intermediate care, or
35 other health care facility, the requirements of this section will be
36 satisfied if the unit dose medication system contains the
37 aforementioned information or the information is otherwise
38 readily available at the time of drug administration.

39 (c) If a pharmacist dispenses a dangerous drug or device in a
40 facility licensed pursuant to Section 1250 of the Health and Safety



1 Code, it is not necessary to include on individual unit dose
2 containers for a specific patient, the name of the certified
3 nurse-midwife who functions pursuant to a standardized
4 procedure or protocol described in Section 2746.51, the nurse
5 practitioner who functions pursuant to a standardized procedure
6 described in Section 2836.1, or protocol, a pharmacist who
7 functions under a protocol as described in Section 4052, or the
8 physician assistant who functions pursuant to Section 3502.1.

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

19 SEC. 14. Section 4081 of the Business and Professions Code
20 is amended to read:

21 4081. (a) All records of manufacture and of sale, acquisition,
22 or disposition of dangerous drugs or dangerous devices shall be at
23 all times during business hours open to inspection by authorized
24 officers of the law, and shall be preserved for at least three years
25 from the date of making. A current inventory shall be kept by every
26 manufacturer, wholesaler, pharmacy, veterinary food-animal drug
27 retailer, physician, dentist, podiatrist, veterinarian, laboratory,
28 clinic, hospital, institution, or establishment holding a currently
29 valid and unrevoked certificate, license, permit, registration, or
30 exemption under Division 2 (commencing with Section 1200) of
31 the Health and Safety Code or under Part 4 (commencing with
32 Section 16000) of Division 9 of the Welfare and Institutions Code
33 who maintains a stock of dangerous drugs or dangerous devices.

34 (b) The owner, officer, and partner of any pharmacy,
35 wholesaler, or veterinary food-animal drug retailer shall be jointly
36 responsible, with the pharmacist-in-charge or
37 exemptee-in-charge, for maintaining the records and inventory
38 described in this section.

39 (c) The pharmacist-in-charge or exemptee-in-charge shall not
40 be criminally responsible for acts of the owner, officer, partner, or



1 employee that violate this section and of which the
2 pharmacist-in-charge or exemptee-in-charge had no knowledge,
3 or in which he or she did not knowingly participate.

4 SEC. 15. Section 4101 of the Business and Professions Code
5 is amended to read:

6 4101. (a) A pharmacist who takes charge of, or acts as
7 pharmacist-in-charge of a pharmacy or other entity licensed by the
8 board, who terminates his or her employment at the pharmacy or
9 other entity, shall notify the board within 30 days of the
10 termination of employment.

11 (b) An exemptee-in-charge of a wholesaler or veterinary food
12 drug-animal retailer, who terminates his or her employment at that
13 entity shall notify the board within 30 days of the termination of
14 employment.

15 SEC. 16. Section 4107 is added to the Business and
16 Professions Code, to read:

17 ~~4107. (a) The board may not issue or, effective July 1, 2005,~~
18 ~~renew a site license, including, but not limited to, a license to~~
19 ~~conduct a wholesaler, pharmacy, veterinary food-animal drug~~
20 ~~retailer, to a facility located in a personal residence.~~

21 ~~(b)~~

22 4107. The board may not issue more than one site license to
23 a single premises except to issue a veterinary food-animal drug
24 retailer license to a wholesaler or to issue a license to compound
25 sterile injectable drugs to a pharmacy. For the purposes of this
26 subdivision, “premises” means a location with its own address
27 and an independent means of ingress and egress.

28 SEC. 17. Section 4114 of the Business and Professions Code
29 is amended to read:

30 4114. (a) An intern pharmacist may perform all functions of
31 a pharmacist at the discretion of and under the supervision of a
32 pharmacist whose license is in good standing with the board.

33 (b) A pharmacist may not supervise more than two intern
34 pharmacists at any one time.

35 SEC. 18. Section 4200 of the Business and Professions Code
36 is amended to read:

37 4200. (a) The board may license as a pharmacist any
38 applicant who meets all the following requirements:

39 (1) Is at least 18 years of age.



1 (2) (A) Has graduated from a college of pharmacy or
2 department of pharmacy of a university recognized by the board;
3 or

4 (B) If the applicant graduated from a foreign pharmacy school,
5 the foreign-educated applicant has been certified by the Foreign
6 Pharmacy Graduate Examination Committee.

7 (3) Has completed at least 150 semester units of collegiate
8 study in the United States, or the equivalent thereof in a foreign
9 country. No less than 90 of those semester units shall have been
10 completed while in resident attendance at a school or college of
11 pharmacy.

12 (4) Has earned at least a baccalaureate degree in a course of
13 study devoted to the practice of pharmacy.

14 (5) Has carried 1,500 hours of pharmacy practice experience or
15 the equivalent in accordance with Section 4209.

16 (6) Has passed a written and practical examination given by the
17 board prior to December 31, 2003, or has passed the North
18 American Pharmacist Licensure Examination and the Multi-State
19 Pharmacy Jurisprudence Examination for California on or after
20 January 1, 2004.

21 (b) Proof of the qualifications of an applicant for licensure as
22 a pharmacist, shall be made to the satisfaction of the board and
23 shall be substantiated by affidavits or other evidence as may be
24 required by the board.

25 (c) Each person, upon application for licensure as a pharmacist
26 under this chapter, shall pay to the executive officer of the board,
27 the fees provided by this chapter. The fees shall be compensation
28 to the board for investigation or examination of the applicant.

29 SEC. 19. Section 4208 is added to the Business and
30 Professions Code, to read:

31 4208. (a) At the discretion of the board, an intern pharmacist
32 license may be issued for a period of:

33 (1) One to six years to a person who is currently enrolled in a
34 school of pharmacy recognized by the board.

35 (2) Two years to a person who is a graduate of a school of
36 pharmacy recognized by the board and who has applied to become
37 licensed as a pharmacist in California.

38 (3) Two years to a foreign graduate who has met educational
39 requirements described in paragraphs (1) to (4), inclusive, of
40 subdivision (a) of Section 4200.



1 (4) One year to a person who has failed the pharmacist
2 licensure examination four times and has reenrolled in a school of
3 pharmacy to satisfy the requirements of Section 4200.1.

4 (b) The board may issue an intern pharmacist license to an
5 individual for the period of time specified in a decision of
6 reinstatement adopted by the board.

7 (c) An intern pharmacist shall notify the board within 30 days
8 of any change of address.

9 (d) An intern pharmacist whose license has been issued
10 pursuant to paragraph (1) or paragraph (4) of subdivision (a) shall
11 return his or her license, by registered mail, within 30 days of no
12 longer being enrolled in a school of pharmacy. The intern
13 pharmacist license will be cancelled by the board.
14 Notwithstanding subdivision (c), an intern pharmacist license may
15 be reinstated if the student re-enrolls in a school of pharmacy
16 recognized by the board to fulfill the education requirements of
17 paragraphs (1) to (4), inclusive, of subdivision (a) of Section 4200.

18 SEC. 20. Section 4209 is added to the Business and
19 Professions Code, to read:

20 4209. (a) An intern pharmacist shall complete 1,500 hours of
21 pharmaceutical experience before applying for the pharmacist
22 licensure examination.

23 (1) This pharmaceutical experience shall comply with the
24 Standards of Curriculum established by the Accreditation Council
25 for Pharmacy Education or with regulations adopted by the board.

26 (b) An intern pharmacist shall submit proof of his or her
27 experience on board-approved affidavits, which shall be certified
28 under penalty of perjury by a pharmacist under whose supervision
29 such experience was obtained or by the pharmacist-in-charge at
30 the pharmacy while the pharmacist intern obtained the experience.

31 (c) An applicant for the examination who has been licensed as
32 a pharmacist in any state for at least one year, as certified by the
33 licensing agency of that state, shall be exempt from subdivision
34 (a). Certification of an applicant's licensure in another state shall
35 be submitted in writing and signed, under oath, by a duly
36 authorized official of the state in which the license is held.

37 SEC. 21. Section 4409 of the Business and Professions Code
38 is amended to read:

39 4409. At the time a pharmacy license is renewed pursuant to
40 subdivision (a) of Section 4110 or a pharmacist license is renewed



1 pursuant to Section 4401, the pharmacy or pharmacist may make
2 a contribution of at least twenty-five dollars (\$25), to be submitted
3 to the board, for the sole purpose of funding the California
4 Pharmacist Scholarship and Loan Repayment Program
5 established pursuant to Article 2 (commencing with Section
6 129198) of Chapter 3 of Part 3 of Division 107 of the Health and
7 Safety Code. The contribution submitted pursuant to this section
8 shall be paid into the State Treasury and credited to the California
9 Pharmacist Scholarship and Loan Repayment Program Fund
10 established pursuant to Section 128198.5 of the Health and Safety
11 Code.

12 SEC. 22. Section 4980.395 of the Business and Professions
13 Code is amended to read:

14 4980.395. (a) A licensee who began graduate study prior to
15 January 1, 2004, shall complete a three-hour continuing education
16 course in aging and long-term care during his or her first renewal
17 period after the operative date of this section and shall submit to
18 the board evidence, acceptable to the board, of the person's
19 satisfactory completion of the course.

20 (b) The course shall include, but is not limited to, the
21 biological, social, and psychological aspects of aging.

22 (c) A person seeking to meet the requirements of subdivision
23 (a) of this section may submit to the board a certificate evidencing
24 completion of equivalent courses in aging and long-term care
25 taken prior to the operative date of this section, or proof of
26 equivalent teaching or practice experience. The board, in its
27 discretion, may accept that certification as meeting the
28 requirements of this section.

29 (d) The board may not renew an applicant's license until the
30 applicant has met the requirements of this section.

31 (e) Continuing education courses taken pursuant to this section
32 shall be applied to the 36 hours of approved continuing education
33 required in Section 4980.54.

34 (f) This section shall become operative on January 1, 2005.

35 SEC. 23. Section 4990.4 of the Business and Professions
36 Code is amended to read:

37 4990.4. "Accredited school of social work," within the
38 meaning of this chapter, is a school that is accredited by the
39 Commission on Accreditation of the Council on Social Work
40 Education.



1 SEC. 24. Section 4996.18 of the Business and Professions
2 Code is amended to read:

3 4996.18. (a) A person who wishes to be credited with
4 experience toward licensure requirements shall register with the
5 board as an associate clinical social worker prior to obtaining that
6 experience. The application shall be made on a form prescribed by
7 the board and shall be accompanied by a fee of seventy-five dollars
8 (\$75). An applicant for registration shall (1) possess a master's
9 degree from an accredited school or department of social work,
10 and (2) not have committed any crimes or acts constituting
11 grounds for denial of licensure under Section 480. On and after
12 January 1, 1993, an applicant who possesses a master's degree
13 from a school or department of social work that is a candidate for
14 accreditation by the Commission on Accreditation of the Council
15 on Social Work Education shall be eligible, and shall be required,
16 to register as an associate clinical social worker in order to gain
17 experience toward licensure if the applicant has not committed any
18 crimes or acts that constitute grounds for denial of licensure under
19 Section 480. That applicant shall not, however, be eligible for
20 examination until the school or department of social work has
21 received accreditation by the Commission on Accreditation of the
22 Council on Social Work Education.

23 (b) Registration as an associate clinical social worker shall
24 expire one year from the last day of the month during which it was
25 issued. A registration may be renewed annually after initial
26 registration by filing on or before the date on which the registration
27 expires, an application for renewal, paying a renewal fee of
28 seventy-five dollars (\$75), and notifying the board whether he or
29 she has been convicted, as defined in Section 490, of a
30 misdemeanor or felony, and whether any disciplinary action has
31 been taken by any regulatory or licensing board in this or any other
32 state, subsequent to the issuance of the initial registration or
33 registrant's last renewal. Each person who registers or has
34 registered as an associate clinical social worker, may retain that
35 status for a total of six years.

36 (c) Notwithstanding the limitations on the length of an
37 associate registration in subdivision (b), an associate may apply
38 for, and the board shall grant, one-year extensions beyond the
39 six-year period when no grounds exist for denial, suspension, or
40 revocation of the registration pursuant to Section 480. An



1 associate shall be eligible to receive a maximum of three one-year
2 extensions. An associate who practices pursuant to an extension
3 shall not practice independently and shall comply with all
4 requirements of this chapter governing experience, including
5 supervision, even if the associate has completed the hours of
6 experience required for licensure. Each extension shall commence
7 on the date when the last associate renewal or extension expires.
8 An application for extension shall be made on a form prescribed
9 by the board and shall be accompanied by a renewal fee of fifty
10 dollars (\$50). An associate who is granted this extension may work
11 in all work settings authorized pursuant to this chapter.

12 (d) A registrant shall not provide clinical social work services
13 to the public for a fee, monetary or otherwise, except as an
14 employee.

15 (e) A registrant shall inform each client or patient prior to
16 performing any professional services that he or she is unlicensed
17 and is under the supervision of a licensed professional.

18 (f) Any experience obtained under the supervision of a spouse
19 or relative by blood or marriage shall not be credited toward the
20 required hours of supervised experience. Any experience obtained
21 under the supervision of a supervisor with whom the applicant has
22 a personal relationship that undermines the authority or
23 effectiveness of the supervision shall not be credited toward the
24 required hours of supervised experience.

25 (g) An applicant who possesses a master's degree from an
26 accredited school or department of social work shall be able to
27 apply experience the applicant obtained during the time the
28 accredited school or department was in candidacy status by the
29 Commission on Accreditation of the Council on Social Work
30 Education toward the licensure requirements, if the experience
31 meets the requirements of Section 4996.20, 4996.21, or 4996.23.
32 This subdivision shall apply retroactively to persons who possess
33 a master's degree from an accredited school or department of
34 social work and who obtained experience during the time the
35 accredited school or department was in candidacy status by the
36 Commission on Accreditation of the Council on Social Work
37 Education.

38 (h) An applicant for registration or licensure trained in an
39 educational institution outside the United States shall demonstrate
40 to the satisfaction of the board that he or she possesses a master's



1 of social work degree that is equivalent to a master’s degree issued
2 from a school or department of social work that is accredited by
3 the Commission on Accreditation of the Council on Social Work
4 Education. These applicants shall provide the board with a
5 comprehensive evaluation of the degree and shall provide any
6 other documentation the board deems necessary. The board has the
7 authority to make the final determination as to whether a degree
8 meets all requirements, including, but not limited to, course
9 requirements regardless of evaluation or accreditation.

10 SEC. 25. Section 4996.20 of the Business and Professions
11 Code is amended to read:

12 4996.20. The experience required by subdivision (c) of
13 Section 4996.2 shall meet the following criteria:

14 (a) An applicant shall have at least 3,200 hours of post-master’s
15 experience, supervised by a licensed clinical social worker, in
16 providing clinical social work services consisting of psychosocial
17 diagnosis; assessment; treatment, including psychotherapy and
18 counseling; client-centered advocacy; consultation; and
19 evaluation as permitted by Section 4996.9. For persons applying
20 for licensure on or after January 1, 1992, this experience shall have
21 been gained in not less than two nor more than six years and shall
22 have been gained within the six years immediately preceding the
23 date on which the application for licensure was filed.

24 (b) Notwithstanding the requirements of subdivision (a) that
25 3,200 hours of experience shall be gained under the supervision of
26 a licensed clinical social worker, up to 1,000 hours of the required
27 experience may be gained under the supervision of a licensed
28 mental health professional acceptable to the board.

29 For purposes of this section, “supervision” means
30 responsibility for and control of the quality of social work services
31 being provided. Consultation shall not be considered to be
32 supervision. Supervision shall include at least one hour of direct
33 supervision for each week of experience claimed. Not less than
34 one-half of the hours of required supervision shall be individual
35 supervision. The remaining hours may be group supervision.
36 “Individual supervision” means one supervisor meets with one
37 supervisee at a time. “Group supervision” means a supervisor
38 meets with a group of no more than eight supervisees at a time.

39 (c) For purposes of this section, a “private practice setting” is
40 any setting other than a governmental entity, a school, college or



1 university, a nonprofit and charitable corporation or a licensed
2 health facility. Employment in a private practice setting shall not
3 commence until the applicant has been registered as an associate
4 clinical social worker. A registrant employed in a private practice
5 setting shall not:

6 (1) Pay his or her employer for supervision, and shall receive
7 fair remuneration from his or her employer.

8 (2) Receive any remuneration from patients or clients and shall
9 only be paid by his or her employer.

10 (3) Perform services at any place except where the registrant's
11 employer regularly conducts business.

12 (4) Have any proprietary interest in the employer's business.

13 (d) A person employed in a setting other than a private practice
14 setting may obtain supervision from a person not employed by the
15 registrant's employer if that person has signed a written contract
16 with the employer to take supervisory responsibility for the
17 registrant's social work services.

18 (e) This section shall apply only to persons who apply for
19 registration on or before December 31, 1998.

20 SEC. 26. Section 4996.26 of the Business and Professions
21 Code is amended to read:

22 4996.26. (a) A licensee who began graduate study prior to
23 January 1, 2004, shall complete a three-hour continuing education
24 course in aging and long-term care during his or her first renewal
25 period after the operative date of this section, and shall submit to
26 the board evidence acceptable to the board of the person's
27 satisfactory completion of the course.

28 (b) The course shall include, but is not limited to, the
29 biological, social, and psychological aspects of aging.

30 (c) Any person seeking to meet the requirements of subdivision
31 (a) of this section may submit to the board a certificate evidencing
32 completion of equivalent courses in aging and long-term care
33 taken prior to the operative date of this section, or proof of
34 equivalent teaching or practice experience. The board, in its
35 discretion, may accept that certification as meeting the
36 requirements of this section.

37 (d) The board may not renew an applicant's license until the
38 applicant has met the requirements of this section.



1 (e) Continuing education courses taken pursuant to this section
2 shall be applied to the 36 hours of approved continuing education
3 required in Section 4996.22.

4 (f) This section shall become operative on January 1, 2005.

5 SEC. 27. Section 11159.1 of the Health and Safety Code is
6 amended to read:

7 11159.1. An order for controlled substances furnished to a
8 patient in a clinic which has a permit issued pursuant to Article 13
9 (commencing with Section 4180) of Chapter 9 of Division 2 of the
10 Business and Professions Code, except an order for a Schedule II
11 controlled substance, shall be exempt from the prescription
12 requirements of this article and shall be in writing on the patient's
13 record, signed by the prescriber, dated, and shall state the name and
14 quantity of the controlled substance ordered and the quantity
15 actually furnished. The record of the order shall be maintained as
16 a clinic record for a minimum of seven years. This section shall
17 apply only to a clinic that has obtained a permit under the
18 provisions of Article 13 (commencing with Section 4180) of
19 Chapter 9 of Division 2 of the Business and Professions Code.

20 Clinics that furnish controlled substances shall be required to
21 keep a separate record of the furnishing of those drugs which shall
22 be available for review and inspection by all properly authorized
23 personnel.

24 SEC. 28. Section 11207 of the Health and Safety Code is
25 amended to read:

26 11207. (a) No person other than a pharmacist as defined in
27 Section 4036 of the Business and Professions Code or an intern
28 pharmacist, as defined in Section 4030 of the Business and
29 Professions Code, who is under the personal supervision of a
30 pharmacist, shall compound, prepare, fill or dispense a
31 prescription for a controlled substance.

32 (b) Notwithstanding subdivision (a), a pharmacy technician
33 may perform those tasks permitted by Section 4115 of the Business
34 and Professions Code when assisting a pharmacist dispensing a
35 prescription for a controlled substance.

36 SEC. 29. Section 111625 of the Health and Safety Code is
37 amended to read:

38 111625. (a) A license application shall be completed
39 annually and accompanied by an application fee as prescribed in
40 Section 111630. This fee is not refundable if the license is refused.



1 (b) A manufacturer licensed pursuant to this article may not
2 operate without employing sufficient, qualified supervision to
3 adequately safeguard and protect the public health. Either a
4 pharmacist licensed pursuant to Section 4200 of the Business and
5 Professions Code or an individual issued a certificate of exemption
6 pursuant to Section 4053 of the Business and Professions Code
7 shall be deemed qualified to provide sufficient, qualified
8 supervision, as required by this subdivision.

9 SEC. 30. No reimbursement is required by this act pursuant
10 to Section 6 of Article XIII B of the California Constitution
11 because the only costs that may be incurred by a local agency or
12 school district will be incurred because this act creates a new crime
13 or infraction, eliminates a crime or infraction, or changes the
14 penalty for a crime or infraction, within the meaning of Section
15 17556 of the Government Code, or changes the definition of a
16 crime within the meaning of Section 6 of Article XIII B of the
17 California Constitution.

