

AMENDED IN ASSEMBLY JUNE 16, 2004

AMENDED IN ASSEMBLY JUNE 7, 2004

AMENDED IN SENATE APRIL 21, 2004

SENATE BILL

No. 1913

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, 1054, 1274, 2041, 2082, 2087, 2107, 2274, 2317, 2420, 2423, 2462, 2532.6, 2570.14, 2902, 2915.7, 2936, 3750.5, 4005, 4030, 4059.5, 4076, 4081, 4101, 4114, 4200, 4207, 4409, 4980.395, 4990.4, 4996.18, 4996.20, and 4996.26 of, to amend and repeal Section 5810 of, and to add Sections 1005, ~~2571~~, 2514, 2571, 3702.5, 3702.7, 3719.5, 3769.3, 4026.5, 4068, 4107, 4127.7, 4170.5, 4208, and 4209 to, and to repeal Section 2265 of, the Business and Professions Code, to amend Section 13401 of the Corporations 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 documentation is required for high-grade squamous intraepithelial lesions, adenocarcinoma, or other malignant neoplasm.

(3) *Existing law, the Medical Practice Act, provides for the licensing and regulation of physicians and surgeons by the Division of Licensing and the Division of Medical Quality, respectively, in the Medical Board of California.* Existing law provides for the regulation and licensure of podiatrists by the California Board of Podiatric Medicine, in the Medical Board of California. ~~The~~

Existing law makes it unprofessional conduct for a licensed physician and surgeon or podiatrist to use any certificate, letters, words, or terms either as a prefix, affix, or suffix indicating that he or she is entitled to engage in a medical practice for which he or she is not licensed.

This bill would exempt from this prohibition a physician and surgeon who has been issued a retired license.

Existing law requires the Medical Board of California to provide representation and be liable for a judgment, with certain exceptions, in a lawsuit against a person hired or retained to provide testimony to the Division of Medical Quality or the California Board of Podiatric Medicine in the evaluation of a licensee's conduct.

This bill would expand the requirement to apply to any testimony to the Medical Board of California and to include an evaluation of the conduct of an applicant for licensure.

Existing law requires an applicant for a physicians and surgeon's license to include fingerprints in his or her application. Existing law requires an applicant to meet certain educational requirements, and authorizes the Division of Licensing to allow applicants to substitute certain postgraduate training for certain undergraduate requirements.



This bill would authorize the submission of a completed Livescan form in lieu of fingerprints. The bill would revise the authorization of the Division of Licensing to allow applicants to substitute postgraduate training for undergraduate requirements.

Existing law makes the supervision, use, or employment of a physician's assistant without the approval of the Division of Licensing unprofessional conduct.

This bill would delete this provision.

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.

The bill would delete obsolete references in the Medical Practice Act.

(4) *Existing law, the Nursing Practice Act, provides for the licensing and regulation of midwives by the Board of Registered Nursing in the Department of Consumer Affairs.*

This bill would authorize a midwife student, with the consent of a client, to render midwifery services under the direct supervision of a licensed physician or midwife.

(5) 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.

The bill would also revise an occupational therapist's scope of practice to include the application of topical medications prescribed by the patient's physician, if specific requirements are met.

(5)

(6) 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.

~~(6)~~

(7) Existing law provides for the licensure and regulation of respiratory care practitioners by the Respiratory Care Board of California. Existing law defines the practice of respiratory therapy to include the diagnostic and therapeutic use of the administration of medical gases and mechanical or physiological ventilatory support.

This bill would provide that the administration of medical gases includes the administration of anesthetic agents for the purpose of inducing conscious or deep sedation, and that mechanical or physiological ventilatory support includes devices used in whole or in part to provide ventilatory or oxygenating support. The bill would also authorize the board to require successful completion of professional courses as part of continuing education prior to initial licensure, and prior to consideration of a reinstatement petition. The bill would permit the board and an affected licensee to stipulate to the issuance of a public reprimand in lieu of the filing or prosecution of a formal accusation.

(8) 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. The bill would 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 an 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.

The bill would also authorize a prescriber to dispense a controlled substance to an emergency room patient, if certain requirements are met.

The bill would, on and after July 1, 2005, require a pharmacy to compound sterile injectable products only in specified environments.



The bill would authorize veterinarians in a veterinary teaching hospital to dispense and administer dangerous drugs and devices from a common stock. The bill would make other related changes.

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)~~

(9) 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)~~

(10) 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)~~

(11) Existing law, the Chiropractic Act, a statute enacted by initiative, creates the State Board of Chiropractic Examiners, which licenses and regulates the practice of chiropractic.

This bill would make certain provisions of the Business and Professions Code that are applicable to licensees who are licensed by various boards in the Department of Consumer Affairs, applicable to chiropractors.

~~(10)~~

(12) Existing law regulates chiropractic corporations, and requires the name of a chiropractic corporation to contain and be restricted to certain words.

This bill would require, but not restrict the name to, the use of those words.

~~(11)~~

(13) Existing law licenses and regulates the practice of speech-language pathology and audiology by the Speech-Language Pathology and Audiology Board. Existing law requires a licensee to complete specified continuing professional development coursework.



This bill would require courses to be approved by the board for those course hours to be credited.

~~(12)~~

(14) Existing law regulates professional corporations, defined as a corporation that is engaged in rendering professional services pursuant to a certificate of registration. Existing law exempts corporations that render services by persons licensed by specified boards from the requirement of obtaining a certificate of registration.

This bill would also exempt a speech-language pathology and audiology corporation from this requirement.

~~(13)~~

(15) Existing law regulates interior designers and interior design organizations, and repeals these provisions on January 1, 2006.

This bill would extend the repeal date of these provisions to January 1, 2007.

~~(14)~~

(16) 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:

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

11 The Board of Psychology and the Board of Behavioral Sciences
12 shall establish required training in the area of child abuse
13 assessment and reporting for all persons applying for initial



1 licensure and renewal of a license as a psychologist, clinical social
2 worker, or marriage and family therapist on or after January 1,
3 1987. This training shall be required one time only for all persons
4 applying for initial licensure or for licensure renewal on or after
5 January 1, 1987.

6 All persons applying for initial licensure and renewal of a
7 license as a psychologist, clinical social worker, or marriage and
8 family therapist on or after January 1, 1987, shall, in addition to
9 all other requirements for licensure or renewal, have completed
10 coursework or training in child abuse assessment and reporting
11 which meets the requirements of this section, including detailed
12 knowledge of Section 11165 of the Penal Code. The training shall
13 meet all of the following requirements:

14 (a) Be completed after January 1, 1983.

15 (b) Be obtained from one of the following sources:

16 (1) An accredited or approved educational institution, as
17 defined in Sections 2902, 4980.40, and 4996.18, including
18 extension courses offered by those institutions.

19 (2) A continuing education provider approved by the
20 responsible board.

21 (3) A course sponsored or offered by a professional association
22 or a local, county, or state department of health or mental health
23 for continuing education and approved by the responsible board.

24 (c) Have a minimum of 7 contact hours.

25 (d) Include the study of the assessment and method of reporting
26 of sexual assault, neglect, severe neglect, general neglect, willful
27 cruelty or unjustifiable punishment, corporal punishment or
28 injury, and abuse in out-of-home care. The training shall also
29 include physical and behavioral indicators of abuse, crisis
30 counseling techniques, community resources, rights and
31 responsibilities of reporting, consequences of failure to report,
32 caring for a child's needs after a report is made, sensitivity to
33 previously abused children and adults, and implications and
34 methods of treatment for children and adults.

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

37 The Board of Psychology and the Board of Behavioral Sciences
38 shall exempt an applicant who applies for an exemption from the
39 requirements of this section and who shows to the satisfaction of



1 the board that there would be no need for the training in his or her
2 practice because of the nature of that practice.

3 It is the intent of the Legislature that a person licensed as a
4 psychologist, clinical social worker, or marriage and family
5 therapist have minimal but appropriate training in the areas of
6 child abuse assessment and reporting. It is not intended that by
7 solely complying with the requirements of this section, a
8 practitioner is fully trained in the subject of treatment of child
9 abuse victims and abusers.

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

11 SEC. 2. Section 1005 is added to the Business and Professions
12 Code, to read:

13 1005. The provisions of Sections 12.5, 23.9, 29.5, 30, 31, 35,
14 104, 114, 115, 119, 121, 121.5, 125, 125.6, 136, 137, 140, 141,
15 143, 163.5, 461, 462, 475, 480, 484, 485, 487, 489, 490, 490.5,
16 491, 494, 495, 496, 498, 499, 510, 511, 512, 701, 702, 703, 704,
17 710, 716, 730.5, 731, and 851 are applicable to persons licensed
18 by the State Board of Chiropractic Examiners under the
19 Chiropractic Act.

20 SEC. 3. Section 1054 of the Business and Professions Code
21 is amended to read:

22 1054. Notwithstanding any other provision of law, the name
23 of a chiropractic corporation and any name or names under which
24 it may be rendering professional services, shall contain the name
25 or the last name of one or more of the present, prospective, or
26 former shareholders, and shall include the word “chiropractic”
27 and the word “corporation” or wording or abbreviations denoting
28 corporate existence.

29 SEC. 4. Section 1274 of the Business and Professions Code
30 is amended to read:

31 1274. (a) A laboratory shall document to persons submitting
32 cytologic samples for evaluation, on a quarterly basis,
33 informational letters on all cases of HSIL (high-grade squamous
34 intraepithelial lesions), adenocarcinoma, or other malignant
35 neoplasm. Documentation may consist of followup
36 correspondence, telephone calls, or requests included in the report.
37 Copies of that documentation, and any responses received to those
38 letters, shall be maintained on file by the laboratories for a period
39 of five years.



1 (b) Whenever it becomes known to a clinical laboratory that an
2 abnormality of HSIL (high-grade squamous intraepithelial
3 lesions) has been identified for a patient for whom the clinical
4 laboratory earlier reported a normal finding, all previous available
5 cytologic slides on that patient shall be reexamined by the clinical
6 laboratory.

7 (c) Records of the review of previous slides required by
8 subdivision (b) shall be maintained by the clinical laboratory,
9 including the name of the individual performing the earlier
10 examination.

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

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

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

19 2041. The term “licensee” as used in this chapter means the
20 holder of a physician’s and surgeon’s certificate or doctor of
21 podiatric medicine’s certificate, as the case may be, who is
22 engaged in the professional practice authorized by such certificate
23 under the jurisdiction of the appropriate division, board, or
24 examining committee.

25 SEC. 6. *Section 2082 of the Business and Professions Code is*
26 *amended to read:*

27 2082. Each application shall include the following:

28 (a) A diploma issued by an approved medical school. The
29 requirements of the school shall have been at the time of granting
30 the diploma in no degree less than those required under this chapter
31 or by any preceding medical practice act at the time that the
32 diploma was granted. In lieu of a diploma, the applicant may
33 submit evidence satisfactory to the Division of Licensing of
34 having possessed the same.

35 (b) An official transcript or other official evidence satisfactory
36 to the division showing each approved medical school in which a
37 resident course of professional instruction was pursued covering
38 the minimum requirements for certification as a physician and
39 surgeon, and that a diploma and degree were granted by the school.



1 (c) Such other information concerning the professional
2 instruction and preliminary education of the applicant as the
3 division may require.

4 (d) An affidavit showing to the satisfaction of the division that
5 the applicant is the person named in each diploma and transcript
6 that he or she submits, that he or she is the lawful holder thereof,
7 and that the diploma or transcript was procured in the regular
8 course of professional instruction and examination without fraud
9 or misrepresentation.

10 (e) ~~Fingerprint cards~~ *Either fingerprint cards or a copy of a*
11 *completed Livescan form* from the applicant in order to establish
12 the identity of the applicant and in order to determine whether the
13 applicant has a record of any criminal convictions in this state or
14 in any other jurisdiction, including foreign countries. The
15 information obtained as a result of the fingerprinting of the
16 applicant shall be used in accordance with Section 11105 of the
17 Penal Code, and to determine whether the applicant is subject to
18 denial of licensure under the provisions of Division 1.5
19 (commencing with Section 475) and Section 2221.

20 *SEC. 7. Section 2087 of the Business and Professions Code is*
21 *amended to read:*

22 2087. If any medical school is not approved by the Division
23 of Licensing or any applicant for ~~examination~~ *licensure* is rejected
24 by it, then the school or the applicant may commence an action in
25 the superior court as provided in Section 2019 against the division
26 to compel it to approve the school or to ~~admit the applicant to~~
27 ~~examination~~ *issue the applicant a certificate* or for any other
28 appropriate relief. If the applicant is denied ~~admittance to the~~
29 ~~examination~~ or a certificate on the grounds of unprofessional
30 conduct, the provisions of Article 12 (commencing with Section
31 2220) shall apply. In such an action the court shall proceed under
32 Section 1094.5 of the Code of Civil Procedure, except that the
33 court may not exercise an independent judgment on the evidence.
34 The action shall be speedily determined by the court and shall take
35 precedence over all matters pending therein except criminal cases,
36 applications for injunction, or other matters to which special
37 precedence may be given by law.

38 *SEC. 8. Section 2107 of the Business and Professions Code is*
39 *amended to read:*



1 2107. (a) The Legislature intends that the Division of
2 Licensing shall have the authority to substitute postgraduate
3 education and training to remedy deficiencies in an applicant's
4 medical school education and training. The Legislature further
5 intends that applicants who substantially completed their clinical
6 training shall be granted that substitute credit if their postgraduate
7 education took place in an accredited program.

8 (b) To meet the requirements for licensure set forth in Sections
9 2089 and 2089.5, the Division of Licensing may require an
10 applicant under this article to successfully complete additional
11 education and training. In determining the content and duration of
12 the required additional education and training, the division shall
13 consider the applicant's medical education and performance on
14 standardized national examinations, and may substitute ~~up to 36~~
15 ~~weeks of approved postgraduate training in lieu of specified~~
16 ~~undergraduate requirements. Postgraduate training substituted for~~
17 ~~undergraduate training shall be in addition to the year of~~
18 ~~postgraduate training required by Sections 2102 and 2103.~~

19 ~~(c) In addition, the division shall accept certified postgraduate~~
20 ~~training in a program approved by the American Accreditation~~
21 ~~Committee for Graduate Medical Education or the Coordinating~~
22 ~~Council of Medical Education of Canada in lieu of undergraduate~~
23 ~~work in the same subject for any applicant who meets the~~
24 ~~following criteria:~~

25 ~~(1) Successful completion of at least 60 weeks of clinical~~
26 ~~instruction while in medical school.~~

27 ~~(2) Completion of clinical instruction which does not meet, in~~
28 ~~whole or in part, the requirements of Section 2089.5.~~

29 ~~Certification of this training shall be made by the program's~~
30 ~~Director of Medical Education, and shall state that the applicant~~
31 ~~has satisfactorily completed postgraduate training in the subject~~
32 ~~areas for which the applicant seeks undergraduate credit and for a~~
33 ~~duration required by Section 2089.5. Postgraduate training~~
34 ~~substituted for undergraduate training shall be in addition to the~~
35 ~~year of postgraduate training required by Sections 2102 and 2103.~~

36 *SEC. 9. Section 2265 of the Business and Professions Code is*
37 *repealed.*

38 ~~2265. The supervision, use, or employment of a physician's~~
39 ~~assistant who is licensed or practicing under interim approval;~~



1 ~~without the approval of the Division of Licensing, constitutes~~
2 ~~unprofessional conduct.~~

3 *SEC. 10. Section 2274 of the Business and Professions Code*
4 *is amended to read:*

5 2274. (a) The use by any licensee of any certificate, of any
6 letter, letters, word, words, term, or terms either as a prefix, affix,
7 or suffix indicating that he or she is entitled to engage in a medical
8 practice for which he or she is not licensed constitutes
9 unprofessional conduct.

10 (b) *Nothing in this section shall be construed to prohibit a*
11 *physician and surgeon from using the designations specified in this*
12 *section if he or she has been issued a retired license under section*
13 *2439.*

14 *SEC. 11. Section 2317 of the Business and Professions Code*
15 *is amended to read:*

16 2317. If a person, not a regular employee of the board, is
17 hired, under contract, or retained under any other arrangement,
18 paid or unpaid, to provide expertise or nonexpert testimony to the
19 ~~Division of Medical Quality~~ *Medical Board of California* or to the
20 California Board of Podiatric Medicine ~~in~~, *including, but not*
21 *limited to*, the evaluation of the conduct of *an applicant or a*
22 *licensee*, and that person is named as a defendant in an action for
23 defamation, malicious prosecution, or any other civil cause of
24 action directly resulting from opinions rendered, statements made,
25 or testimony given to, or on behalf of, the division or committee
26 or its representatives, the board shall provide for representation
27 required to defend the defendant in that civil action. The board
28 shall be liable for any judgment rendered against that person,
29 except that the board shall not be liable for any punitive damages
30 award. If the plaintiff prevails in a claim for punitive damages, the
31 defendant shall be liable to the board for the full costs incurred in
32 providing representation to the defendant. The Attorney General
33 shall be utilized in those actions as provided in Section 2020.

34 *SEC. 12. Section 2420 of the Business and Professions Code*
35 *is amended to read:*

36 2420. The provisions of this article apply to, determine the
37 expiration of, and govern the renewal of, each of the following
38 certificates, licenses, registrations, and permits issued by or under
39 the Medical Board of California: physician's and surgeon's
40 certificates, certificates to practice podiatric medicine, physical



1 therapy licenses and approvals, registrations of research
2 psychoanalysts, registrations of dispensing opticians, registrations
3 of nonresident contact lens sellers, registrations of spectacle lens
4 dispensers, registrations of contact lens dispensers, ~~certificates of~~
5 ~~drugless practitioners~~, certificates to practice midwifery, and
6 fictitious-name permits.

7 *SEC. 13. Section 2423 of the Business and Professions Code*
8 *is amended to read:*

9 2423. (a) Notwithstanding Section 2422:

10 (1) All physician and surgeon's certificates, certificates to
11 practice podiatric medicine, registrations of spectacle lens
12 dispensers and contact lens dispensers, ~~certificates of drugless~~
13 ~~practitioners~~, and certificates to practice midwifery shall expire at
14 12 midnight on the last day of the birth month of the licensee
15 during the second year of a two-year term if not renewed.

16 (2) Registrations of dispensing opticians will expire at
17 midnight on the last day of the month in which the license was
18 issued during the second year of a two-year term if not renewed.

19 (b) The Division of Licensing shall establish by regulation
20 procedures for the administration of a birth date renewal program,
21 including, but not limited to, the establishment of a system of
22 staggered license expiration dates such that a relatively equal
23 number of licenses expire monthly.

24 (c) To renew an unexpired license, the licensee shall, on or
25 before the dates on which it would otherwise expire, apply for
26 renewal on a form prescribed by the licensing authority and pay the
27 prescribed renewal fee.

28 *SEC. 14. Section 2462 of the Business and Professions Code*
29 *is amended to read:*

30 2462. The board shall consist of seven members, three of
31 whom shall be public members. Not more than one member of the
32 board shall be a full-time faculty member of a college or school of
33 podiatric medicine.

34 The Governor shall appoint the four members qualified as
35 provided in Section 2463 and one public member. The Senate
36 Rules Committee and the Speaker of the Assembly shall each
37 appoint a public member.

38 ~~SEC. 7.~~

39 *SEC. 15. Section 2514 is added to the Business and*
40 *Professions Code, to read:*



1 2514. *Bona fide students, enrolled of participating in a*
2 *midwifery education program may, as part of their program,*
3 *engage in the practice of midwifery in this state if both of the*
4 *following conditions are met:*

5 (a) *The student is under the supervision of a licensed midwife,*
6 *who holds a clear and unrestricted license in this state, who is*
7 *present on the premises at all times client services are provided,*
8 *and who is practicing pursuant to Section 1507 or a physician.*

9 (b) *The client is informed of the student's status.*

10 SEC. 16. Section 2532.6 of the Business and Professions
11 Code is amended to read:

12 2532.6. (a) The Legislature recognizes that the education and
13 experience requirements of this chapter constitute only minimal
14 requirements to assure the public of professional competence. The
15 Legislature encourages all professionals licensed and registered
16 by the board under this chapter to regularly engage in continuing
17 professional development and learning that is related and relevant
18 to the professions of speech-language pathology and audiology.

19 (b) On and after January 1, 2001, and until January 1, 2002, the
20 board shall not renew any license or registration pursuant to this
21 chapter unless the applicant certifies to the board that he or she has
22 completed, after April 12, 1999, and prior to his or her renewal
23 date in 2001, not less than the minimum number of continuing
24 professional development hours established by the board pursuant
25 to subdivision (c) for the professional practice authorized by his
26 or her license. On and after January 1, 2002, the board shall not
27 renew any license or registration pursuant to this chapter unless the
28 applicant certifies to the board that he or she has completed in the
29 preceding two years not less than the minimum number of
30 continuing professional development hours established by the
31 board pursuant to subdivision (c) for the professional practice
32 authorized by his or her license or registration.

33 (c) (1) The board shall prescribe the forms utilized for and the
34 number of hours of required continuing professional development
35 for persons licensed or registered under this chapter.

36 (2) The board shall have the right to audit the records of any
37 applicant to verify the completion of the continuing professional
38 development requirements.

39 (3) Applicants shall maintain records of completion of required
40 continuing professional development coursework for a minimum



1 of two years and shall make these records available to the board for
2 auditing purposes upon request.

3 (d) The board shall establish exceptions from the continuing
4 professional development requirements of this section for good
5 cause as defined by the board.

6 (e) (1) The continuing professional development services
7 shall be obtained from accredited institutions of higher learning,
8 organizations approved as continuing education providers by
9 either the American Speech-Language Hearing Association or the
10 American Academy of Audiology, the California Medical
11 Association's Institute for Medical Quality Continuing Medical
12 Education Program, or other entities or organizations approved as
13 continuing professional development providers by the board, in its
14 discretion.

15 (2) No hours shall be credited for any course enrolled in by a
16 licensee that has not first been approved and certified by the board.

17 (3) The continuing professional development services offered
18 by these entities may, but are not required to, utilize pretesting and
19 posttesting or other evaluation techniques to measure and
20 demonstrate improved professional learning and competency.

21 (4) An accredited institution of higher learning, an
22 organization approved as continuing education providers by either
23 the American Speech-Language Hearing Association or the
24 American Academy of Audiology, and the California Medical
25 Association's Institute for Medical Quality Continuing Education
26 Program shall be exempt from any application or registration fees
27 that the board may charge for continuing education providers.

28 (5) Unless a course offered by entities listed in paragraph (4)
29 meets the requirements established by the board, the course may
30 not be credited towards the continuing professional development
31 requirements for license renewal.

32 (6) The licensee shall be responsible for obtaining the required
33 course completion documents for courses offered by entities
34 specified in paragraph (1).

35 (f) The board, by regulation, shall fund the administration of
36 this section through professional development services provider
37 and licensing fees to be deposited in the Speech-Language
38 Pathology and Audiology Board Fund. The fees related to the
39 administration of this section shall be sufficient to meet, but shall



1 not exceed, the costs of administering the corresponding
2 provisions of this section.

3 (g) The continuing professional development requirements
4 adopted by the board shall comply with any guidelines for
5 mandatory continuing education established by the Department of
6 Consumer Affairs.

7 ~~SEC. 8.~~

8 *SEC. 17.* Section 2570.14 of the Business and Professions
9 Code is amended to read:

10 2570.14. An initial applicant who has not been actively
11 engaged in the practice of occupational therapy within the past five
12 years shall provide to the board, in addition to the requirements for
13 licensure under Section 2570.6, any of the following:

14 (a) Evidence of continued competency as referred to in
15 subdivision (b) of Section 2570.10 for the previous two-year
16 period.

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

20 ~~SEC. 9.~~

21 *SEC. 18.* Section 2571 is added to the Business and
22 Professions Code, to read:

23 2571. (a) An occupational therapist licensed pursuant to this
24 chapter and certified by the board in the use of physical agent
25 modalities may apply topical medications prescribed by the
26 patient's physician and surgeon, if the licensee complies with
27 regulations adopted by the board pursuant to this section.

28 (b) The board shall adopt regulations implementing this section
29 after meeting and conferring with the Medical Board of California
30 and the California State Board of Pharmacy specifying those
31 topical medications applicable to the practice of occupational
32 therapy, and protocols for their use.

33 (c) Nothing in this section shall be construed to authorize an
34 occupational therapist to prescribe medications.

35 ~~SEC. 10.~~

36 *SEC. 19.* Section 2902 of the Business and Professions Code
37 is amended to read:

38 2902. As used in this chapter, unless the context clearly
39 requires otherwise and except as in this chapter expressly
40 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. 11.~~

23 *SEC. 20.* Section 2915.7 of the Business and Professions
24 Code is amended to read:

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

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

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



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

3 (e) This section shall become operative on January 1, 2005.

4 ~~SEC. 12.~~

5 *SEC. 21.* Section 2936 of the Business and Professions Code
6 is amended to read:

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

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

20

21 “NOTICE TO CONSUMERS: The Department of Consumer
22 Affair’s Board of Psychology receives and responds to
23 questions and complaints regarding the practice of psychology.
24 If you have questions or complaints, you may contact the board
25 on the Internet at www.psychboard.ca.gov, by calling
26 1-866-503-3221, or by writing to the following address:

27

28 Board of Psychology
29 1422 Howe Avenue, Suite 22
30 Sacramento, California 95825-3236”

31

32 ~~SEC. 13.~~

33 *SEC. 22.* Section 3702.5 is added to the Business and
34 Professions Code, to read:

35 3702.5. Administration of medical gases as used in
36 subdivision (d) of Section 3702, includes the administration of
37 anesthetic agents for the purpose of inducing conscious or deep
38 sedation.

39 *SEC. 23.* Section 3702.7 is added to the Business and
40 Professions, to read:



1 3702.7. *Mechanical or physiological ventilatory support as*
2 *used in subdivision (d) of Section 3702 includes, but is not limited*
3 *to, any system, procedure, machine, catheter, equipment, or other*
4 *device used in whole or in part, to provide ventilatory or*
5 *oxygenating support.*

6 SEC. 24. *Section 3719.5 is added to the Business and*
7 *Professions Code, to read:*

8 3719.5. *The board may require successful completion of one*
9 *or more professional courses offered by the board, the American*
10 *Association for Respiratory Care, or the California Society for*
11 *Respiratory Care in any or all of the following circumstances:*

12 (a) *As part of continuing education.*

13 (b) *Prior to initial licensure.*

14 (c) *Prior to consideration of a reinstatement petition.*

15 SEC. 25. *Section 3750.5 of the Business and Professions Code*
16 *is amended to read:*

17 3750.5. *In addition to any other grounds specified in this*
18 *chapter, the board may deny, suspend, or revoke the license of any*
19 *applicant or licenseholder who has done any of the following:*

20 (a) *Obtained or possessed in violation of law, or except as*
21 *directed by a licensed physician and surgeon, dentist, or podiatrist*
22 *administered to himself or herself, or furnished or administered to*
23 *another, any controlled substances as defined in Division 10*
24 *(commencing with Section 11000) of the Health and Safety Code,*
25 *or any dangerous drug as defined in Article 7.2 (commencing with*
26 *Section ~~4210~~ 4015) of Chapter 9 of this code.*

27 (b) *Used any controlled substance as defined in Division 10*
28 *(commencing with Section 11000) of the Health and Safety Code,*
29 *or any dangerous drug as defined in Article 7.2 (commencing with*
30 *Section ~~4210~~ 4015) of Chapter 9 of this code.*

31 (c) *Applied for employment or worked in any health care*
32 *profession or environment while under the influence of alcohol.*

33 (d) *Been convicted of a criminal offense involving the*
34 *consumption or self-administration of any of the substances*
35 *described in subdivisions (a) and (b), or the possession of, or*
36 *falsification of a record pertaining to, the substances described in*
37 *subdivision (a), in which event the record of the conviction is*
38 *conclusive evidence thereof.*

39 (e) *Been committed or confined by a court of competent*
40 *jurisdiction for intemperate use of or addiction to the use of any of*



1 the substances described in subdivisions (a), (b), and (c), in which
2 event the court order of commitment or confinement is prima facie
3 evidence of that commitment or confinement.

4 (f) Falsified, or made grossly incorrect, grossly inconsistent, or
5 unintelligible entries in any hospital, patient, or other record
6 pertaining to the substances described in subdivision (a).

7 *SEC. 26. Section 3769.3 is added to the Business and*
8 *Professions Code, to read:*

9 *3769.3. (a) Notwithstanding any other provision, the board*
10 *may, by stipulation with the affected licensee, issue a public*
11 *reprimand, after it has conducted an investigation, in lieu of filing*
12 *or prosecuting a formal accusation.*

13 *(b) The stipulation shall contain the authority, grounds, and*
14 *causes and circumstances for taking such action and by way of*
15 *waiving the affected licensee's rights, inform the licensee of his or*
16 *her rights to have a formal accusation filed and stipulate to a*
17 *settlement thereafter or have the matter in the statement of issues*
18 *heard before an administrative law judge in accordance with the*
19 *Administrative Procedures Act.*

20 *(c) The stipulation shall be public information and shall be*
21 *used as evidence in any future disciplinary or penalty action taken*
22 *by the board.*

23 *SEC. 27. Section 4005 of the Business and Professions Code*
24 *is amended to read:*

25 *4005. (a) The board may adopt rules and regulations, not*
26 *inconsistent with the laws of this state, as may be necessary for the*
27 *protection of the public. Included therein shall be the right to adopt*
28 *rules and regulations as follows: for the proper and more effective*
29 *enforcement and administration of this chapter; pertaining to the*
30 *practice of pharmacy; relating to the sanitation of persons and*
31 *establishments licensed under this chapter; pertaining to*
32 *establishments wherein any drug or device is compounded,*
33 *prepared, furnished, or dispensed; providing for standards of*
34 *minimum equipment for establishments licensed under this*
35 *chapter; pertaining to the sale of drugs by or through any*
36 *mechanical device; and relating to pharmacy practice experience*
37 *necessary for licensure as a pharmacist.*

38 *(b) Notwithstanding any provision of this chapter to the*
39 *contrary, the board may adopt regulations permitting the*
40 *dispensing of drugs or devices in emergency situations, and*



1 permitting dispensing of drugs or devices pursuant to a
2 prescription of a person licensed to prescribe in a state other than
3 California where the person, if licensed in California in the same
4 licensure classification would, under California law, be permitted
5 to prescribe drugs or devices and where the pharmacist has first
6 interviewed the patient to determine the authenticity of the
7 prescription.

8 (c) The board may, by rule or regulation, adopt, amend, or
9 repeal rules of professional conduct appropriate to the
10 establishment and maintenance of a high standard of integrity and
11 dignity in the profession. Every person who holds a license issued
12 by the board shall be governed and controlled by the rules of
13 professional conduct adopted by the board.

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

18 ~~SEC. 14.~~

19 *SEC. 28.* Section 4026.5 is added to the Business and
20 Professions Code, to read:

21 4026.5. “Good standing” means a license issued by the board
22 that is unrestricted by disciplinary action taken pursuant to Chapter
23 5 (commencing with Section 11500) of Part 1 of Division 3 of Title
24 2 of the Government Code.

25 ~~SEC. 15.~~

26 *SEC. 29.* Section 4030 of the Business and Professions Code
27 is amended to read:

28 4030. “Intern pharmacist” means a person issued a license
29 pursuant to Section 4208.

30 ~~SEC. 16.~~

31 *SEC. 30.* Section 4059.5 of the Business and Professions
32 Code is amended to read:

33 4059.5. (a) Except as otherwise provided in this chapter,
34 dangerous drugs or dangerous devices may only be ordered by an
35 entity licensed by the board and shall be delivered to the licensed
36 premises and signed for and received by a pharmacist. Where a
37 licensee is permitted to operate through an exemptee, the
38 exemptee may sign for and receive the delivery.

39 (b) A dangerous drug or dangerous device transferred, sold, or
40 delivered to a person within this state shall be transferred, sold, or



1 delivered only to an entity licensed by the board, to a
2 manufacturer, or to an ultimate user or the ultimate user's agent.

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

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

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

29 (f) Notwithstanding subdivision (a), a pharmacy may take
30 delivery of dangerous drugs and dangerous devices when the
31 pharmacy is closed and no pharmacist is on duty if all of the
32 following requirements are met:

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

35 (2) Only the pharmacist-in-charge or a pharmacist designated
36 by the pharmacist-in-charge has access to the secure storage
37 facility after dangerous drugs or dangerous devices have been
38 delivered.



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

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

7 (5) The agent delivering dangerous drugs and dangerous
8 devices pursuant to this subdivision leaves documents indicating
9 the name and amount of each dangerous drug or dangerous device
10 delivered in the secure storage facility.

11 The pharmacy shall be responsible for the dangerous drugs and
12 dangerous devices delivered to the secure storage facility. The
13 pharmacy shall also be responsible for obtaining and maintaining
14 records relating to the delivery of dangerous drugs and dangerous
15 devices to a secure storage facility.

16 ~~SEC. 17.~~

17 *SEC. 31.* Section 4068 is added to the Business and
18 Professions Code, to read:

19 4068. (a) Notwithstanding any provision of this chapter, a
20 prescriber may dispense a dangerous drug, including a controlled
21 substance, to an emergency room patient if all of the following
22 apply:

23 (1) The hospital pharmacy is closed and there is no pharmacist
24 available in the hospital.

25 (2) The dangerous drug is acquired by the hospital pharmacy.

26 (3) The dispensing information is recorded and provided to the
27 pharmacy when the pharmacy reopens.

28 (4) The hospital pharmacy retains the dispensing information
29 and, if the drug is a schedule II or schedule III controlled
30 substance, reports the dispensing information to the Department
31 of Justice pursuant to Section 11165 of the Health and Safety Code.

32 (5) The prescriber determines that it is in the best interest of the
33 patient that a particular drug regimen be immediately commenced
34 or continued, and the prescriber reasonably believes that a
35 pharmacy located outside the hospital is not available and
36 accessible at the time of dispensing to the patient.

37 (6) The quantity of drugs dispensed to any patient pursuant to
38 this section are limited to that amount necessary to maintain
39 uninterrupted therapy during the period when pharmacy services



1 outside the hospital are not readily available or accessible, but shall
2 not exceed a 72-hour supply.

3 (7) The physician shall ensure that the label on the drug
4 contains all the information required by Section 4076.

5 (b) The prescriber shall be responsible for any error or
6 omission related to the drugs dispensed.

7 ~~SEC. 18.~~

8 *SEC. 32.* Section 4076 of the Business and Professions Code
9 is amended to read:

10 4076. (a) A pharmacist may not dispense any prescription
11 except in a container that meets the requirements of state and
12 federal law and is correctly labeled with all of the following:

13 (1) Except where the prescriber or the certified nurse-midwife
14 who functions pursuant to a standardized procedure or protocol
15 described in Section 2746.51, the nurse practitioner who functions
16 pursuant to a standardized procedure described in Section 2836.1,
17 or protocol, or the physician assistant who functions pursuant to
18 Section 3502.1 orders otherwise, either the manufacturer's trade
19 name of the drug or the generic name and the name of the
20 manufacturer. Commonly used abbreviations may be used.
21 Preparations containing two or more active ingredients may be
22 identified by the manufacturer's trade name or the commonly used
23 name or the principal active ingredients.

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

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

26 (4) The name of the prescriber or, if applicable, the certified
27 nurse-midwife who functions pursuant to a standardized
28 procedure or protocol described in Section 2746.51, the nurse
29 practitioner who functions pursuant to a standardized procedure
30 described in Section 2836.1, or protocol, a pharmacist who
31 functions under a protocol as described in Section 4052, or the
32 physician assistant who functions pursuant to Section 3502.1.

33 (5) The date of issue.

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

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

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

38 (9) The expiration date of the effectiveness of the drug
39 dispensed.



1 (10) The condition for which the drug was prescribed if
2 requested by the patient and the condition is indicated on the
3 prescription.

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

8 (i) Prescriptions dispensed by a veterinarian.

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

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

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

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

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

21 (b) If a pharmacist dispenses a prescribed drug by means of a
22 unit dose medication system, as defined by administrative
23 regulation, for a patient in a skilled nursing, intermediate care, or
24 other health care facility, the requirements of this section will be
25 satisfied if the unit dose medication system contains the
26 aforementioned information or the information is otherwise
27 readily available at the time of drug administration.

28 (c) If a pharmacist dispenses a dangerous drug or device in a
29 facility licensed pursuant to Section 1250 of the Health and Safety
30 Code, it is not necessary to include on individual unit dose
31 containers for a specific patient, the name of the certified
32 nurse-midwife who functions pursuant to a standardized
33 procedure or protocol described in Section 2746.51, the nurse
34 practitioner who functions pursuant to a standardized procedure
35 described in Section 2836.1, or protocol, a pharmacist who
36 functions under a protocol as described in Section 4052, or the
37 physician assistant who functions pursuant to Section 3502.1.

38 (d) If a pharmacist dispenses a prescription drug for use in a
39 facility licensed pursuant to Section 1250 of the Health and Safety
40 Code, it is not necessary to include the information required in



1 paragraph (11) of subdivision (a) when the prescription drug is
2 administered to a patient by a person licensed under the Medical
3 Practice Act (Chapter 5 (commencing with Section 2000)), the
4 Nursing Practice Act (Chapter 6 (commencing with Section
5 2700)), or the Vocational Nursing Practice Act (Chapter 6.5
6 (commencing with Section 2840)), who is acting within his or her
7 scope of practice.

8 ~~SEC. 19.~~

9 *SEC. 33.* Section 4081 of the Business and Professions Code
10 is amended to read:

11 4081. (a) All records of manufacture and of sale, acquisition,
12 or disposition of dangerous drugs or dangerous devices shall be at
13 all times during business hours open to inspection by authorized
14 officers of the law, and shall be preserved for at least three years
15 from the date of making. A current inventory shall be kept by every
16 manufacturer, wholesaler, pharmacy, veterinary food-animal drug
17 retailer, physician, dentist, podiatrist, veterinarian, laboratory,
18 clinic, hospital, institution, or establishment holding a currently
19 valid and unrevoked certificate, license, permit, registration, or
20 exemption under Division 2 (commencing with Section 1200) of
21 the Health and Safety Code or under Part 4 (commencing with
22 Section 16000) of Division 9 of the Welfare and Institutions Code
23 who maintains a stock of dangerous drugs or dangerous devices.

24 (b) The owner, officer, and partner of any pharmacy,
25 wholesaler, or veterinary food-animal drug retailer shall be jointly
26 responsible, with the pharmacist-in-charge or
27 exemptee-in-charge, for maintaining the records and inventory
28 described in this section.

29 (c) The pharmacist-in-charge or exemptee-in-charge shall not
30 be criminally responsible for acts of the owner, officer, partner, or
31 employee that violate this section and of which the
32 pharmacist-in-charge or exemptee-in-charge had no knowledge,
33 or in which he or she did not knowingly participate.

34 ~~SEC. 20.~~

35 *SEC. 34.* Section 4101 of the Business and Professions Code
36 is amended to read:

37 4101. (a) A pharmacist who takes charge of, or acts as
38 pharmacist-in-charge of a pharmacy or other entity licensed by the
39 board, who terminates his or her employment at the pharmacy or



1 other entity, shall notify the board within 30 days of the
2 termination of employment.

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

7 ~~SEC. 21.~~

8 SEC. 35. Section 4107 is added to the Business and
9 Professions Code, to read:

10 4107. The board may not issue more than one site license to
11 a single premises except to issue a veterinary food-animal drug
12 retailer license to a wholesaler or to issue a license to compound
13 sterile injectable drugs to a pharmacy. For the purposes of this
14 subdivision, "premises" means a location with its own address
15 and an independent means of ingress and egress.

16 ~~SEC. 22.~~

17 SEC. 36. Section 4114 of the Business and Professions Code
18 is amended to read:

19 4114. (a) An intern pharmacist may perform all functions of
20 a pharmacist at the discretion of and under the supervision of a
21 pharmacist whose license is in good standing with the board.

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

24 ~~SEC. 23.~~

25 SEC. 37. Section 4127.7 is added to the Business and
26 Professions Code, to read:

27 4127.7. On and after July 1, 2005, a pharmacy shall
28 compound sterile injectable products from one or more nonsterile
29 ingredients in one of the following environments:

30 (1) An ISO class 5 laminar airflow hood within an ISO class 7
31 cleanroom. The cleanroom must have a positive air pressure
32 differential relative to adjacent areas.

33 (2) An ISO class 5 cleanroom.

34 (3) A barrier isolator that provides an ISO class 5 environment
35 for compounding.

36 ~~SEC. 24.~~

37 SEC. 38. Section 4170.5 is added to the Business and
38 Professions Code, to read:

39 4170.5. (a) Veterinarians in a veterinary teaching hospital
40 operated by an accredited veterinary medical school may dispense



1 and administer dangerous drugs and devices and controlled
2 substances from a common stock.

3 (b) The veterinary teaching hospital shall designate a
4 pharmacist to be responsible for ordering the drugs for the
5 common stock and the designated pharmacist-in-charge shall be
6 professionally responsible to insure that inventories, security
7 procedures, training, protocol development, recordkeeping,
8 packaging, labeling, and dispensing occur in a manner that is
9 consistent with the promotion and protection of the health and
10 safety of the public.

11 (c) The veterinary teaching hospital's pharmacist-in-charge
12 shall develop policies, procedures, and guidelines that recognize
13 the unique relationship between the institution's pharmacists and
14 veterinarians in the control, management, dispensation, and
15 administration of drugs.

16 (d) The board may inspect a veterinary teaching hospital
17 dispensing or administering drugs pursuant to this section.

18 ~~SEC. 25.~~

19 *SEC. 39.* Section 4200 of the Business and Professions Code
20 is amended to read:

21 4200. (a) The board may license as a pharmacist any
22 applicant who meets all the following requirements:

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

24 (2) (A) Has graduated from a college of pharmacy or
25 department of pharmacy of a university recognized by the board;
26 or

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

30 (3) Has completed at least 150 semester units of collegiate
31 study in the United States, or the equivalent thereof in a foreign
32 country. No less than 90 of those semester units shall have been
33 completed while in resident attendance at a school or college of
34 pharmacy.

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

37 (5) Has completed 1,500 hours of pharmacy practice
38 experience or the equivalent in accordance with Section 4209.

39 (6) Has passed a written and practical examination given by the
40 board prior to December 31, 2003, or has passed the North



1 American Pharmacist Licensure Examination and the Multi-State
2 Pharmacy Jurisprudence Examination for California on or after
3 January 1, 2004.

4 (b) Proof of the qualifications of an applicant for licensure as
5 a pharmacist, shall be made to the satisfaction of the board and
6 shall be substantiated by affidavits or other evidence as may be
7 required by the board.

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

12 ~~SEC. 26.~~

13 *SEC. 40.* Section 4207 of the Business and Professions Code
14 is amended to read:

15 4207. (a) Upon receipt of an application for a license and the
16 applicable fee, the board shall make a thorough investigation to
17 determine whether the applicant is qualified for the license being
18 sought. The board shall also determine whether this article has
19 been complied with, and shall investigate all matters directly
20 related to the issuance of the license that may affect the public
21 welfare.

22 (b) The board shall not investigate matters connected with the
23 operation of a premises other than those matters solely related to
24 the furnishing of dangerous drugs or dangerous devices that might
25 adversely affect the public welfare.

26 (c) The board shall deny an application for a license if the
27 applicant does not qualify for the license being sought.

28 (d) Notwithstanding any other provision of law, the board may
29 request any information it deems necessary to complete the
30 application investigation required by this section, and a request for
31 information that the board deems necessary in carrying out this
32 section in any application or related form devised by the board
33 shall not be required to be adopted by regulation pursuant to the
34 Administrative Procedures Act (Chapter 3.5 (commencing with
35 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
36 Code).

37 ~~SEC. 27.~~

38 *SEC. 41.* Section 4208 is added to the Business and
39 Professions Code, to read:



1 4208. (a) At the discretion of the board, an intern pharmacist
2 license may be issued for a period of:

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

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

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

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

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

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

19 (d) An intern pharmacist whose license has been issued
20 pursuant to paragraph (1) or paragraph (4) of subdivision (a) shall
21 return his or her license, by registered mail, within 30 days of no
22 longer being enrolled in a school of pharmacy. The intern
23 pharmacist license will be canceled by the board. Notwithstanding
24 subdivision (c), an intern pharmacist license may be reinstated if
25 the student reenrolls in a school of pharmacy recognized by the
26 board to fulfill the education requirements of paragraphs (1) to (4),
27 inclusive, of subdivision (a) of Section 4200.

28 ~~SEC. 28.~~

29 *SEC. 42.* Section 4209 is added to the Business and
30 Professions Code, to read:

31 4209. (a) An intern pharmacist shall complete 1,500 hours of
32 pharmacy practice before applying for the pharmacist licensure
33 examination.

34 (1) This pharmacy practice shall comply with the Standards of
35 Curriculum established by the Accreditation Council for
36 Pharmacy Education or with regulations adopted by the board.

37 (b) An intern pharmacist shall submit proof of his or her
38 experience on board-approved affidavits, *or another form*
39 *specified by the board*, which shall be certified under penalty of
40 perjury by a pharmacist under whose supervision such experience



1 was obtained or by the pharmacist-in-charge at the pharmacy
2 while the pharmacist intern obtained the experience.

3 (c) An applicant for the examination who has been licensed as
4 a pharmacist in any state for at least one year, as certified by the
5 licensing agency of that state, ~~shall be exempt from subdivision (a)~~
6 *may submit this certification to satisfy the required 1,500 hours of*
7 *intern experience.* Certification of an applicant's licensure in
8 another state shall be submitted in writing and signed, under oath,
9 by a duly authorized official of the state in which the license is
10 held.

11 ~~SEC. 29.~~

12 *SEC. 43.* Section 4409 of the Business and Professions Code
13 is amended to read:

14 4409. At the time a pharmacy license is renewed pursuant to
15 subdivision (a) of Section 4110 or a pharmacist license is renewed
16 pursuant to Section 4401, the pharmacy or pharmacist may make
17 a contribution of at least twenty-five dollars (\$25), to be submitted
18 to the board, for the sole purpose of funding the California
19 Pharmacist Scholarship and Loan Repayment Program
20 established pursuant to Article 2 (commencing with Section
21 128198) of Chapter 3 of Part 3 of Division 107 of the Health and
22 Safety Code. The contribution submitted pursuant to this section
23 shall be paid into the State Treasury and credited to the California
24 Pharmacist Scholarship and Loan Repayment Program Fund
25 established pursuant to Section 128198.5 of the Health and Safety
26 Code.

27 ~~SEC. 30.~~

28 *SEC. 44.* Section 4980.395 of the Business and Professions
29 Code is amended to read:

30 4980.395. (a) A licensee who began graduate study prior to
31 January 1, 2004, shall complete a three-hour continuing education
32 course in aging and long-term care during his or her first renewal
33 period after the operative date of this section and shall submit to
34 the board evidence, acceptable to the board, of the person's
35 satisfactory completion of the course.

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

38 (c) A person seeking to meet the requirements of subdivision
39 (a) of this section may submit to the board a certificate evidencing
40 completion of equivalent courses in aging and long-term care



1 taken prior to the operative date of this section, or proof of
2 equivalent teaching or practice experience. The board, in its
3 discretion, may accept that certification as meeting the
4 requirements of this section.

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

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

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

11 ~~SEC. 31.~~

12 *SEC. 45.* Section 4990.4 of the Business and Professions
13 Code is amended to read:

14 4990.4. "Accredited school of social work," within the
15 meaning of this chapter, is a school that is accredited by the
16 Commission on Accreditation of the Council on Social Work
17 Education.

18 ~~SEC. 32.~~

19 *SEC. 46.* Section 4996.18 of the Business and Professions
20 Code is amended to read:

21 4996.18. (a) A person who wishes to be credited with
22 experience toward licensure requirements shall register with the
23 board as an associate clinical social worker prior to obtaining that
24 experience. The application shall be made on a form prescribed by
25 the board and shall be accompanied by a fee of seventy-five dollars
26 (\$75). An applicant for registration shall (1) possess a master's
27 degree from an accredited school or department of social work,
28 and (2) not have committed any crimes or acts constituting
29 grounds for denial of licensure under Section 480. On and after
30 January 1, 1993, an applicant who possesses a master's degree
31 from a school or department of social work that is a candidate for
32 accreditation by the Commission on Accreditation of the Council
33 on Social Work Education shall be eligible, and shall be required,
34 to register as an associate clinical social worker in order to gain
35 experience toward licensure if the applicant has not committed any
36 crimes or acts that constitute grounds for denial of licensure under
37 Section 480. That applicant shall not, however, be eligible for
38 examination until the school or department of social work has
39 received accreditation by the Commission on Accreditation of the
40 Council on Social Work Education.



1 (b) Registration as an associate clinical social worker shall
2 expire one year from the last day of the month during which it was
3 issued. A registration may be renewed annually after initial
4 registration by filing on or before the date on which the registration
5 expires, an application for renewal, paying a renewal fee of
6 seventy-five dollars (\$75), and notifying the board whether he or
7 she has been convicted, as defined in Section 490, of a
8 misdemeanor or felony, and whether any disciplinary action has
9 been taken by any regulatory or licensing board in this or any other
10 state, subsequent to the issuance of the initial registration or
11 registrant's last renewal. Each person who registers or has
12 registered as an associate clinical social worker, may retain that
13 status for a total of six years.

14 (c) Notwithstanding the limitations on the length of an
15 associate registration in subdivision (b), an associate may apply
16 for, and the board shall grant, one-year extensions beyond the
17 six-year period when no grounds exist for denial, suspension, or
18 revocation of the registration pursuant to Section 480. An
19 associate shall be eligible to receive a maximum of three one-year
20 extensions. An associate who practices pursuant to an extension
21 shall not practice independently and shall comply with all
22 requirements of this chapter governing experience, including
23 supervision, even if the associate has completed the hours of
24 experience required for licensure. Each extension shall commence
25 on the date when the last associate renewal or extension expires.
26 An application for extension shall be made on a form prescribed
27 by the board and shall be accompanied by a renewal fee of fifty
28 dollars (\$50). An associate who is granted this extension may work
29 in all work settings authorized pursuant to this chapter.

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

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

36 (f) Any experience obtained under the supervision of a spouse
37 or relative by blood or marriage shall not be credited toward the
38 required hours of supervised experience. Any experience obtained
39 under the supervision of a supervisor with whom the applicant has
40 a personal relationship that undermines the authority or



1 effectiveness of the supervision shall not be credited toward the
2 required hours of supervised experience.

3 (g) An applicant who possesses a master's degree from an
4 accredited school or department of social work shall be able to
5 apply experience the applicant obtained during the time the
6 accredited school or department was in candidacy status by the
7 Commission on Accreditation of the Council on Social Work
8 Education toward the licensure requirements, if the experience
9 meets the requirements of Section 4996.20, 4996.21, or 4996.23.
10 This subdivision shall apply retroactively to persons who possess
11 a master's degree from an accredited school or department of
12 social work and who obtained experience during the time the
13 accredited school or department was in candidacy status by the
14 Commission on Accreditation of the Council on Social Work
15 Education.

16 (h) An applicant for registration or licensure trained in an
17 educational institution outside the United States shall demonstrate
18 to the satisfaction of the board that he or she possesses a master's
19 of social work degree that is equivalent to a master's degree issued
20 from a school or department of social work that is accredited by
21 the Commission on Accreditation of the Council on Social Work
22 Education. These applicants shall provide the board with a
23 comprehensive evaluation of the degree and shall provide any
24 other documentation the board deems necessary. The board has the
25 authority to make the final determination as to whether a degree
26 meets all requirements, including, but not limited to, course
27 requirements regardless of evaluation or accreditation.

28 ~~SEC. 33.~~

29 *SEC. 47.* Section 4996.20 of the Business and Professions
30 Code is amended to read:

31 4996.20. The experience required by subdivision (c) of
32 Section 4996.2 shall meet the following criteria:

33 (a) An applicant shall have at least 3,200 hours of post-master's
34 experience, supervised by a licensed clinical social worker, in
35 providing clinical social work services consisting of psychosocial
36 diagnosis; assessment; treatment, including psychotherapy and
37 counseling; client-centered advocacy; consultation; and
38 evaluation as permitted by Section 4996.9. For persons applying
39 for licensure on or after January 1, 1992, this experience shall have
40 been gained in not less than two nor more than six years and shall



1 have been gained within the six years immediately preceding the
2 date on which the application for licensure was filed.

3 (b) Notwithstanding the requirements of subdivision (a) that
4 3,200 hours of experience shall be gained under the supervision of
5 a licensed clinical social worker, up to 1,000 hours of the required
6 experience may be gained under the supervision of a licensed
7 mental health professional acceptable to the board.

8 For purposes of this section, “supervision” means
9 responsibility for and control of the quality of social work services
10 being provided. Consultation shall not be considered to be
11 supervision. Supervision shall include at least one hour of direct
12 supervision for each week of experience claimed. Not less than
13 one-half of the hours of required supervision shall be individual
14 supervision. The remaining hours may be group supervision.
15 “Individual supervision” means one supervisor meets with one
16 supervisee at a time. “Group supervision” means a supervisor
17 meets with a group of no more than eight supervisees at a time.

18 (c) For purposes of this section, a “private practice setting” is
19 any setting other than a governmental entity, a school, college or
20 university, a nonprofit and charitable corporation or a licensed
21 health facility. Employment in a private practice setting shall not
22 commence until the applicant has been registered as an associate
23 clinical social worker. A registrant employed in a private practice
24 setting shall not:

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

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

29 (3) Perform services at any place except where the registrant’s
30 employer regularly conducts business.

31 (4) Have any proprietary interest in the employer’s business.

32 (d) A person employed in a setting other than a private practice
33 setting may obtain supervision from a person not employed by the
34 registrant’s employer if that person has signed a written contract
35 with the employer to take supervisory responsibility for the
36 registrant’s social work services.

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

39 ~~SEC. 34.~~



1 *SEC. 48.* Section 4996.26 of the Business and Professions
2 Code is amended to read:

3 4996.26. (a) A licensee who began graduate study prior to
4 January 1, 2004, shall complete a three-hour continuing education
5 course in aging and long-term care during his or her first renewal
6 period after the operative date of this section, and shall submit to
7 the board evidence acceptable to the board of the person's
8 satisfactory completion of the course.

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

11 (c) Any person seeking to meet the requirements of subdivision
12 (a) of this section may submit to the board a certificate evidencing
13 completion of equivalent courses in aging and long-term care
14 taken prior to the operative date of this section, or proof of
15 equivalent teaching or practice experience. The board, in its
16 discretion, may accept that certification as meeting the
17 requirements of this section.

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

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

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

24 ~~SEC. 35.~~

25 *SEC. 49.* Section 5810 of the Business and Professions Code
26 is amended to read:

27 5810. (a) This chapter shall be subject to the review required
28 by Division 1.2 (commencing with Section 473).

29 (b) This chapter shall remain in effect only until January 1,
30 2007, and as of that date is repealed, unless a later enacted statute,
31 that is enacted before January 1, 2007, deletes or extends that date.

32 ~~SEC. 36.~~

33 *SEC. 50.* Section 13401 of the Corporations Code is amended
34 to read:

35 13401. As used in this part:

36 (a) "Professional services" means any type of professional
37 services that may be lawfully rendered only pursuant to a license,
38 certification, or registration authorized by the Business and
39 Professions Code, the Chiropractic Act, or the Osteopathic Act.



1 (b) “Professional corporation” means a corporation organized
2 under the General Corporation Law or pursuant to subdivision (b)
3 of Section 13406 that is engaged in rendering professional services
4 in a single profession, except as otherwise authorized in Section
5 13401.5, pursuant to a certificate of registration issued by the
6 governmental agency regulating the profession as herein provided
7 and that in its practice or business designates itself as a
8 professional or other corporation as may be required by statute.
9 However, any professional corporation or foreign professional
10 corporation rendering professional services by persons duly
11 licensed by the Medical Board of California or any examining
12 committee under the jurisdiction of the board, the Osteopathic
13 Medical Board of California, the Dental Board of California, the
14 California State Board of Pharmacy, the Veterinary Medical
15 Board, the California Architects Board, the Court Reporters Board
16 of California, the Board of Behavioral Sciences, the
17 Speech-Language Pathology and Audiology Board, or the Board
18 of Registered Nursing shall not be required to obtain a certificate
19 of registration in order to render those professional services.

20 (c) “Foreign professional corporation” means a corporation
21 organized under the laws of a state of the United States other than
22 this state that is engaged in a profession of a type for which there
23 is authorization in the Business and Professions Code for the
24 performance of professional services by a foreign professional
25 corporation.

26 (d) “Licensed person” means any natural person who is duly
27 licensed under the provisions of the Business and Professions
28 Code, the Chiropractic Act, or the Osteopathic Act to render the
29 same professional services as are or will be rendered by the
30 professional corporation or foreign professional corporation of
31 which he or she is or intends to become, an officer, director,
32 shareholder, or employee.

33 (e) “Disqualified person” means a licensed person who for any
34 reason becomes legally disqualified (temporarily or permanently)
35 to render the professional services that the particular professional
36 corporation or foreign professional corporation of which he or she
37 is an officer, director, shareholder, or employee is or was
38 rendering.

39 ~~SEC. 37.~~



1 *SEC. 51.* Section 11159.1 of the Health and Safety Code is
2 amended to read:

3 11159.1. An order for controlled substances furnished to a
4 patient in a clinic which has a permit issued pursuant to Article 13
5 (commencing with Section 4180) of Chapter 9 of Division 2 of the
6 Business and Professions Code, except an order for a Schedule II
7 controlled substance, shall be exempt from the prescription
8 requirements of this article and shall be in writing on the patient's
9 record, signed by the prescriber, dated, and shall state the name and
10 quantity of the controlled substance ordered and the quantity
11 actually furnished. The record of the order shall be maintained as
12 a clinic record for a minimum of seven years. This section shall
13 apply only to a clinic that has obtained a permit under the
14 provisions of Article 13 (commencing with Section 4180) of
15 Chapter 9 of Division 2 of the Business and Professions Code.

16 Clinics that furnish controlled substances shall be required to
17 keep a separate record of the furnishing of those drugs which shall
18 be available for review and inspection by all properly authorized
19 personnel.

20 ~~SEC. 38.~~

21 *SEC. 52.* Section 11207 of the Health and Safety Code is
22 amended to read:

23 11207. (a) No person other than a pharmacist as defined in
24 Section 4036 of the Business and Professions Code or an intern
25 pharmacist, as defined in Section 4030 of the Business and
26 Professions Code, who is under the personal supervision of a
27 pharmacist, shall compound, prepare, fill or dispense a
28 prescription for a controlled substance.

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

33 ~~SEC. 39.~~

34 *SEC. 53.* Section 111625 of the Health and Safety Code is
35 amended to read:

36 111625. (a) A license application shall be completed
37 annually and accompanied by an application fee as prescribed in
38 Section 111630. This fee is not refundable if the license is refused.

39 (b) A manufacturer licensed pursuant to this article may not
40 operate without employing sufficient, qualified supervision to



1 adequately safeguard and protect the public health. Either a
2 pharmacist licensed pursuant to Section 4200 of the Business and
3 Professions Code or an individual issued a certificate of exemption
4 pursuant to Section 4053 of the Business and Professions Code
5 shall be deemed qualified to provide sufficient, qualified
6 supervision, as required by this subdivision.

7 ~~SEC. 40.~~

8 *SEC. 54.* No reimbursement is required by this act pursuant
9 to Section 6 of Article XIII B of the California Constitution
10 because the only costs that may be incurred by a local agency or
11 school district will be incurred because this act creates a new crime
12 or infraction, eliminates a crime or infraction, or changes the
13 penalty for a crime or infraction, within the meaning of Section
14 17556 of the Government Code, or changes the definition of a
15 crime within the meaning of Section 6 of Article XIII B of the
16 California Constitution.

