

AMENDED IN SENATE JUNE 17, 2009

AMENDED IN ASSEMBLY MARCH 26, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 931

Introduced by Assembly Member Fletcher

February 26, 2009

An act to amend Section 1261.5 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 931, as amended, Fletcher. Emergency supplies.

Existing law provides for the licensing and regulation by the State Department of Public Health of health facilities, including, but not limited to, skilled nursing facilities and intermediate care facilities.

Existing Pharmacy Law provides for the licensing and regulation of the practice of pharmacy under the jurisdiction of the California State Board of Pharmacy and establishes requirements for the dispensing of drugs.

Existing law authorizes a pharmacy to furnish dangerous drugs or devices to a licensed health facility for storage in a secure emergency pharmaceutical supplies container that is maintained within the facility under regulations of the department. Existing law limits the number of oral dosage form and suppository dosage form drugs for storage within this container to 24. It also authorizes the department to limit the number of doses of each drug available to a skilled nursing facility or intermediate care facility to not more than 4 doses of any separate drug dosage form in each emergency supply.

This bill would increase the storage container limit to 48, *as specified*. The bill would also increase the authorized dosage amount available to a skilled nursing facility or intermediate care facility.

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

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

1 SECTION 1. Section 1261.5 of the Health and Safety Code is
2 amended to read:

3 1261.5. (a) The number of oral dosage form or suppository
4 form drugs provided by a pharmacy to a health facility licensed
5 pursuant to subdivision (c) or (d), or both (c) and (d), of Section
6 1250 for storage in a secured emergency supplies container,
7 pursuant to Section 4119 of the Business and Professions Code,
8 shall be limited to 48. The State Department of Public Health may
9 limit the number of doses of each drug available to not more than
10 ~~four~~ 16 doses of any separate drug dosage form in each emergency
11 supply.

12 (b) *Not more than four of the 48 oral form or suppository form*
13 *drugs secured for storage in the emergency supplies container*
14 *shall be psychotherapeutic drugs, except that the department may*
15 *grant a program flexibility request to the facility to increase the*
16 *number of psychotherapeutic drugs in the emergency supplies*
17 *container to not more than 10 if the facility can demonstrate the*
18 *necessity for an increased number of drugs based on the needs of*
19 *the patient population at the facility. In addition, the four oral*
20 *form or suppository form psychotherapeutic drug limit shall not*
21 *apply to a special treatment program service unit distinct part, as*
22 *defined in Section 1276.9. The department shall limit the number*
23 *of doses of psychotherapeutic drugs available to not more than*
24 *four doses in each emergency supply. Nothing in this section shall*
25 *alter or diminish informed consent requirements, including, but*
26 *not limited to, the requirements of Section 1418.9.*

27 ~~(b)~~
28 (c) Any limitations established pursuant to ~~subdivision (a)~~
29 ~~subdivisions (a) and (b)~~ on the number and quantity of oral dosage
30 or suppository form drugs provided by a pharmacy to a health
31 facility licensed pursuant to subdivision (c), (d), or both (c) and
32 (d), of Section 1250 for storage in a secured emergency supplies

- 1 container shall not apply to an automated drug delivery system,
- 2 as defined in Section 1261.6, when a pharmacist controls access
- 3 to the drugs.

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