

AMENDED IN ASSEMBLY MAY 29, 2012
AMENDED IN ASSEMBLY MARCH 29, 2012
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2348

Introduced by Assembly Member Mitchell
(Principal coauthor: ~~coauthors: Assembly Member Members Atkins,~~
***Butler, and Chesbro*)**
(Coauthor: Assembly Member Ma)

February 24, 2012

An act to amend Section 2725.1 of, *and to add Section 2725.2 to,* the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2348, as amended, Mitchell. Registered nurses: dispensation of drugs.

Existing law, the Nursing Practice Act, authorizes a registered nurse to dispense drugs or devices upon an order by a licensed physician and surgeon if the nurse is functioning within a specified clinic.

This bill would, in addition, authorize a registered nurse to dispense *specified* drugs or devices upon an order issued by a certified nurse-midwife, nurse practitioner, or physician assistant if the nurse is functioning within a specified clinic. The bill would also authorize a registered nurse to dispense *or administer* hormonal contraceptives ~~pursuant~~ *in strict adherence* to specified standardized procedures, if the nurse is functioning within a specified clinic.

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 2725.1 of the Business and Professions
2 Code is amended to read:

3 2725.1. (a) Notwithstanding any other provision of law, a
4 registered nurse may dispense drugs or devices upon an order by
5 a licensed physician and surgeon or an order issued *pursuant to*
6 *Section 2746.51, 2836.1, or 3502.1* by a certified nurse-midwife,
7 nurse practitioner, or physician assistant if the *registered* nurse is
8 functioning within a licensed primary care clinic as defined in
9 subdivision (a) of Section 1204 of, or within a clinic as defined in
10 subdivision (b) or (c) of Section 1206 of, the Health and Safety
11 Code.

12 ~~(b) Notwithstanding any other provision of law, a registered~~
13 ~~nurse may dispense hormonal contraceptives pursuant to~~
14 ~~standardized procedures developed in compliance with subdivision~~
15 ~~(e) of Section 2725 if the nurse is functioning within a licensed~~
16 ~~primary care clinic as defined in subdivision (a) of Section 1204~~
17 ~~of, or within a clinic as defined in subdivision (b), (c), or (h) of~~
18 ~~Section 1206 of, the Health and Safety Code.~~

19 (e)
20 (b) No clinic shall employ a registered nurse to perform
21 dispensing duties exclusively. No registered nurse shall dispense
22 drugs in a pharmacy, keep a pharmacy, open shop, or drugstore
23 for the retailing of drugs or poisons. No registered nurse shall
24 compound drugs. Dispensing of drugs by a registered nurse, except
25 a certified nurse-midwife who functions pursuant to a standardized
26 procedure or protocol described in Section 2746.51 or a nurse
27 practitioner who functions pursuant to a standardized procedure
28 described in Section 2836.1, or protocol, shall not include
29 substances included in the California Uniform Controlled
30 Substances Act (Division 10 (commencing with Section 11000)
31 of the Health and Safety Code). Nothing in this section shall
32 exempt a clinic from the provisions of Article 13 (commencing
33 with Section 4180) of Chapter 9.

34 *SEC. 2. Section 2725.2 is added to the Business and Professions*
35 *Code, to read:*

36 2725.2. (a) *Notwithstanding any other provision of law, a*
37 *registered nurse may dispense self-administered hormonal*
38 *contraceptives approved by the federal Food and Drug*

1 Administration (FDA) and may administer injections of hormonal
2 contraceptives approved by the FDA in strict adherence to
3 standardized procedures developed in compliance with subdivision
4 (c) of Section 2725 if the nurse is functioning within a licensed
5 primary care clinic as defined in subdivision (a) of Section 1204
6 of, or within a clinic as defined in subdivision (b), (c), or (h) of
7 Section 1206 of, the Health and Safety Code.

8 (b) The standardized procedure described in subdivision (a)
9 shall specify all of the following:

10 (1) Which nurse may dispense or administer the hormonal
11 contraceptives.

12 (2) Which hormonal contraceptives may be dispensed or
13 administered under specified circumstances, utilizing the most
14 recent version of the United States Medical Eligibility Criteria for
15 Contraceptive Use.

16 (3) The extent of physician and surgeon supervision required.

17 (4) The method of periodic review of the nurse's competence.

18 (5) The method of periodic review of the standardized procedure,
19 including, but not limited to, the required frequency of review and
20 the person conducting that review.