

AMENDED IN ASSEMBLY AUGUST 19, 2013

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 24, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 493

Introduced by Senator Hernandez

February 21, 2013

An act to amend Sections 733, 4040, 4050, 4051, 4052, 4052.3, 4060, 4076, 4111, and 4174 of, and to add Sections 4016.5, 4052.6, 4052.8, 4052.9, 4210, and 4233 to, the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 493, as amended, Hernandez. Pharmacy practice.

The Pharmacy Law provides for the licensing and regulation of pharmacists by the California State Board of Pharmacy in the Department of Consumer Affairs. The law specifies the functions pharmacists are authorized to perform, including to administer, orally or topically, drugs and biologicals pursuant to a prescriber's order, and to administer immunizations pursuant to a protocol with a prescriber. Pharmacists may also furnish emergency contraception drug therapy pursuant to standardized procedures if they have completed a training program. A violation of the Pharmacy Law is a crime.

This bill, instead, would authorize a pharmacist to administer drugs and biological products that have been ordered by a prescriber. The bill would authorize pharmacists to perform other functions, including,

among other things, to furnish self-administered hormonal contraceptives, nicotine replacement products, and prescription medications not requiring a diagnosis that are recommended for international travelers, as specified. Additionally, the bill would authorize pharmacists to order and interpret tests for the purpose of monitoring and managing the efficacy and toxicity of drug therapies, and to independently initiate and administer routine vaccinations, as specified. This bill also would establish board recognition for an advanced practice pharmacist, as defined, would specify the criteria for that recognition, and would specify additional functions that may be performed by an advanced practice pharmacist, including, among other things, performing patient assessments, and certain other functions, as specified. The bill would authorize the board, by regulation, to set the fee for the issuance and renewal of advanced practice pharmacist recognition at the reasonable cost of regulating advanced practice pharmacists pursuant to these provisions, not to exceed \$300. ~~The bill would make conforming changes.~~

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

The bill would make other conforming and technical changes.

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 733 of the Business and Professions Code
- 2 is amended to read:
- 3 733. (a) A licentiate shall not obstruct a patient in obtaining
- 4 a prescription drug or device that has been legally prescribed or
- 5 ordered for that patient. A violation of this section constitutes
- 6 unprofessional conduct by the licentiate and shall subject the
- 7 licentiate to disciplinary or administrative action by his or her
- 8 licensing agency.
- 9 (b) Notwithstanding any other law, a licentiate shall dispense
- 10 drugs and devices, as described in subdivision (a) of Section 4024,

1 pursuant to a lawful order or prescription unless one of the
2 following circumstances exists:

3 (1) Based solely on the licentiate’s professional training and
4 judgment, dispensing pursuant to the order or the prescription is
5 contrary to law, or the licentiate determines that the prescribed
6 drug or device would cause a harmful drug interaction or would
7 otherwise adversely affect the patient’s medical condition.

8 (2) The prescription drug or device is not in stock. If an order,
9 other than an order described in Section 4019, or prescription
10 cannot be dispensed because the drug or device is not in stock, the
11 licentiate shall take one of the following actions:

12 (A) Immediately notify the patient and arrange for the drug or
13 device to be delivered to the site or directly to the patient in a
14 timely manner.

15 (B) Promptly transfer the prescription to another pharmacy
16 known to stock the prescription drug or device that is near enough
17 to the site from which the prescription or order is transferred, to
18 ensure the patient has timely access to the drug or device.

19 (C) Return the prescription to the patient and refer the patient.
20 The licentiate shall make a reasonable effort to refer the patient to
21 a pharmacy that stocks the prescription drug or device that is near
22 enough to the referring site to ensure that the patient has timely
23 access to the drug or device.

24 (3) The licentiate refuses on ethical, moral, or religious grounds
25 to dispense a drug or device pursuant to an order or prescription.
26 A licentiate may decline to dispense a prescription drug or device
27 on this basis only if the licentiate has previously notified his or
28 her employer, in writing, of the drug or class of drugs to which he
29 or she objects, and the licentiate’s employer can, without creating
30 undue hardship, provide a reasonable accommodation of the
31 licentiate’s objection. The licentiate’s employer shall establish
32 protocols that ensure that the patient has timely access to the
33 prescribed drug or device despite the licentiate’s refusal to dispense
34 the prescription or order. For purposes of this section, “reasonable
35 accommodation” and “undue hardship” shall have the same
36 meaning as applied to those terms pursuant to subdivision (l) of
37 Section 12940 of the Government Code.

38 (c) For the purposes of this section, “prescription drug or device”
39 has the same meaning as the definition in Section 4022.

1 (d) This section applies to emergency contraception drug therapy
2 and self-administered hormonal contraceptives described in Section
3 4052.3.

4 (e) This section imposes no duty on a licentiate to dispense a
5 drug or device pursuant to a prescription or order without payment
6 for the drug or device, including payment directly by the patient
7 or through a third-party payer accepted by the licentiate or payment
8 of any required copayment by the patient.

9 (f) The notice to consumers required by Section 4122 shall
10 include a statement that describes patients' rights relative to the
11 requirements of this section.

12 SEC. 2. Section 4016.5 is added to the Business and Professions
13 Code, to read:

14 4016.5. "Advanced practice pharmacist" means a licensed
15 pharmacist who has been recognized as an advanced practice
16 pharmacist by the board, pursuant to Section 4210. A
17 board-recognized advanced practice pharmacist is entitled to
18 practice advanced practice pharmacy, as described in Section
19 4052.6, within or outside of a licensed pharmacy as authorized by
20 this chapter.

21 SEC. 3. Section 4040 of the Business and Professions Code is
22 amended to read:

23 4040. (a) "Prescription" means an oral, written, or electronic
24 transmission order that is both of the following:

25 (1) Given individually for the person or persons for whom
26 ordered that includes all of the following:

27 (A) The name or names and address of the patient or patients.

28 (B) The name and quantity of the drug or device prescribed and
29 the directions for use.

30 (C) The date of issue.

31 (D) Either rubber stamped, typed, or printed by hand or typeset,
32 the name, address, and telephone number of the prescriber, his or
33 her license classification, and his or her federal registry number,
34 if a controlled substance is prescribed.

35 (E) A legible, clear notice of the condition or purpose for which
36 the drug is being prescribed, if requested by the patient or patients.

37 (F) If in writing, signed by the prescriber issuing the order, or
38 the certified nurse-midwife, nurse practitioner, physician assistant,
39 or naturopathic doctor who issues a drug order pursuant to Section
40 2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist

1 who issues a drug order pursuant to Section 4052.1, 4052.2, or
2 4052.6.

3 (2) Issued by a physician, dentist, optometrist, podiatrist,
4 veterinarian, or naturopathic doctor pursuant to Section 3640.7 or,
5 if a drug order is issued pursuant to Section 2746.51, 2836.1,
6 3502.1, or 3460.5, by a certified nurse-midwife, nurse practitioner,
7 physician assistant, or naturopathic doctor licensed in this state,
8 or pursuant to Section 4052.1, 4052.2, or 4052.6 by a pharmacist
9 licensed in this state.

10 (b) Notwithstanding subdivision (a), a written order of the
11 prescriber for a dangerous drug, except for any Schedule II
12 controlled substance, that contains at least the name and signature
13 of the prescriber, the name and address of the patient in a manner
14 consistent with paragraph (2) of subdivision (a) of Section 11164
15 of the Health and Safety Code, the name and quantity of the drug
16 prescribed, directions for use, and the date of issue may be treated
17 as a prescription by the dispensing pharmacist as long as any
18 additional information required by subdivision (a) is readily
19 retrievable in the pharmacy. In the event of a conflict between this
20 subdivision and Section 11164 of the Health and Safety Code,
21 Section 11164 of the Health and Safety Code shall prevail.

22 (c) “Electronic transmission prescription” includes both image
23 and data prescriptions. “Electronic image transmission
24 prescription” means any prescription order for which a facsimile
25 of the order is received by a pharmacy from a licensed prescriber.
26 “Electronic data transmission prescription” means any prescription
27 order, other than an electronic image transmission prescription,
28 that is electronically transmitted from a licensed prescriber to a
29 pharmacy.

30 (d) The use of commonly used abbreviations shall not invalidate
31 an otherwise valid prescription.

32 (e) Nothing in the amendments made to this section (formerly
33 Section 4036) at the 1969 Regular Session of the Legislature shall
34 be construed as expanding or limiting the right that a chiropractor,
35 while acting within the scope of his or her license, may have to
36 prescribe a device.

37 SEC. 4. Section 4050 of the Business and Professions Code is
38 amended to read:

1 4050. (a) In recognition of and consistent with the decisions
2 of the appellate courts of this state, the Legislature hereby declares
3 the practice of pharmacy to be a profession.

4 (b) Pharmacy practice is a dynamic, patient-oriented health
5 service that applies a scientific body of knowledge to improve and
6 promote patient health by means of appropriate drug use,
7 drug-related therapy, and communication for clinical and
8 consultative purposes. Pharmacy practice is continually evolving
9 to include more sophisticated and comprehensive patient care
10 activities.

11 (c) The Legislature further declares that pharmacists are health
12 care providers who have the authority to provide health care
13 services.

14 SEC. 5. Section 4051 of the Business and Professions Code is
15 amended to read:

16 4051. (a) Except as otherwise provided in this chapter, it is
17 unlawful for any person to manufacture, compound, furnish, sell,
18 or dispense a dangerous drug or dangerous device, or to dispense
19 or compound a prescription pursuant to Section 4040 of a prescriber
20 unless he or she is a pharmacist under this chapter.

21 (b) Notwithstanding any other law, a pharmacist may authorize
22 the initiation of a prescription, pursuant to Section 4052.1, 4052.2,
23 4052.3, or 4052.6, and otherwise provide clinical advice, services,
24 information, or patient consultation, as set forth in this chapter, if
25 all of the following conditions are met:

26 (1) The clinical advice, services, information, or patient
27 consultation is provided to a health care professional or to a patient.

28 (2) The pharmacist has access to prescription, patient profile,
29 or other relevant medical information for purposes of patient and
30 clinical consultation and advice.

31 (3) Access to the information described in paragraph (2) is
32 secure from unauthorized access and use.

33 SEC. 6. Section 4052 of the Business and Professions Code is
34 amended to read:

35 4052. (a) Notwithstanding any other law, a pharmacist may:

36 (1) Furnish a reasonable quantity of compounded drug product
37 to a prescriber for office use by the prescriber.

38 (2) Transmit a valid prescription to another pharmacist.

39 (3) Administer drugs and biological products that have been
40 ordered by a prescriber.

- 1 (4) Perform procedures or functions in a licensed health care
2 facility as authorized by Section 4052.1.
- 3 (5) Perform procedures or functions as part of the care provided
4 by a health care facility, a licensed home health agency, a licensed
5 clinic in which there is a physician oversight, a provider who
6 contracts with a licensed health care service plan with regard to
7 the care or services provided to the enrollees of that health care
8 service plan, or a physician, as authorized by Section 4052.2.
- 9 (6) Perform procedures or functions as authorized by Section
10 4052.6.
- 11 (7) Manufacture, measure, fit to the patient, or sell and repair
12 dangerous devices, or furnish instructions to the patient or the
13 patient's representative concerning the use of those devices.
- 14 (8) Provide consultation, training, and education to patients
15 about drug therapy, disease management, and disease prevention.
- 16 (9) Provide professional information, including clinical or
17 pharmacological information, advice, or consultation to other
18 health care professionals, and participate in multidisciplinary
19 review of patient progress, including appropriate access to medical
20 records.
- 21 (10) Furnish the following medications:
- 22 (A) Emergency contraception drug therapy and self-administered
23 hormonal contraceptives, as authorized by Section 4052.3.
- 24 (B) Nicotine replacement products, as authorized by Section
25 4052.9.
- 26 (C) Prescription medications not requiring a diagnosis that are
27 recommended by the federal Centers for Disease Control and
28 Prevention for individuals traveling outside of the United States.
- 29 (D) The pharmacist shall notify the patient's primary care
30 provider of any drugs or devices furnished to the patient. If the
31 patient does not have a primary care provider, the pharmacist shall
32 provide the patient with a written record of the drugs or devices
33 furnished and advise the patient to consult a physician of the
34 patient's choice.
- 35 (11) Administer immunizations pursuant to a protocol with a
36 prescriber.
- 37 (12) Order and interpret tests for the purpose of monitoring and
38 managing the efficacy and toxicity of drug therapies. *A pharmacist*
39 *who orders and interprets tests pursuant to this paragraph shall*
40 *ensure that the ordering of those tests is done in coordination with*

1 *the patient's primary care provider or diagnosing prescriber, as*
2 *appropriate, including promptly transmitting written notification*
3 *to the patient's diagnosing prescriber or entering the appropriate*
4 *information in a patient record system shared with the prescriber,*
5 *when available and as permitted by that prescriber.*

6 (b) A pharmacist who is authorized to issue an order to initiate
7 or adjust a controlled substance therapy pursuant to this section
8 shall personally register with the federal Drug Enforcement
9 Administration.

10 (c) This section does not affect the applicable requirements of
11 law relating to either of the following:

12 (1) Maintaining the confidentiality of medical records.

13 (2) The licensing of a health care facility.

14 SEC. 7. Section 4052.3 of the Business and Professions Code
15 is amended to read:

16 4052.3. (a) (1) Notwithstanding any other law, a pharmacist
17 may furnish self-administered hormonal contraceptives in
18 accordance with standardized procedures or protocols developed
19 and approved by both the board and the Medical Board of
20 California in consultation with the American Congress of
21 Obstetricians and Gynecologists, the California Pharmacists
22 Association, and other appropriate entities. The standardized
23 procedure or protocol shall require that the patient use a
24 self-screening tool that will ~~identify~~ *identify* patient risk factors
25 for use of self-administered hormonal contraceptives, based on
26 the current United States Medical Eligibility Criteria (USMEC)
27 for Contraceptive Use developed by the federal Centers for Disease
28 Control and Prevention, and that the pharmacist refer the patient
29 to the patient's primary care provider or, if the patient does not
30 have a primary care provider, to nearby clinics, upon furnishing a
31 self-administered hormonal contraceptive pursuant to this
32 subdivision, or if it is determined that use of a self-administered
33 hormonal contraceptive is not recommended.

34 (2) The board and the Medical Board of California are both
35 authorized to ensure compliance with this subdivision, and each
36 board is specifically charged with the enforcement of this
37 subdivision with respect to its respective licensees. This subdivision
38 does not expand the authority of a pharmacist to prescribe any
39 prescription medication.

1 (b) (1) Notwithstanding any other law, a pharmacist may furnish
2 emergency contraception drug therapy in accordance with either
3 of the following:

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

7 (B) Standardized procedures or protocols developed and
8 approved by both the board and the Medical Board of California
9 in consultation with the American Congress of Obstetricians and
10 Gynecologists, the California Pharmacists Association, and other
11 appropriate entities. The board and the Medical Board of California
12 are both authorized to ensure compliance with this clause, and
13 each board is specifically charged with the enforcement of this
14 provision with respect to its respective licensees. This subdivision
15 does not expand the authority of a pharmacist to prescribe any
16 prescription medication.

17 (2) Prior to performing a procedure authorized under this
18 subdivision, a pharmacist shall complete a training program on
19 emergency contraception that consists of at least one hour of
20 approved continuing education on emergency contraception drug
21 therapy.

22 (3) A pharmacist, pharmacist's employer, or pharmacist's agent
23 shall not directly charge a patient a separate consultation fee for
24 emergency contraception drug therapy services initiated pursuant
25 to this subdivision, but may charge an administrative fee not to
26 exceed ten dollars (\$10) above the retail cost of the drug. Upon an
27 oral, telephonic, electronic, or written request from a patient or
28 customer, a pharmacist or pharmacist's employee shall disclose
29 the total retail price that a consumer would pay for emergency
30 contraception drug therapy. As used in this paragraph, total retail
31 price includes providing the consumer with specific information
32 regarding the price of the emergency contraception drugs and the
33 price of the administrative fee charged. This limitation is not
34 intended to interfere with other contractually agreed-upon terms
35 between a pharmacist, a pharmacist's employer, or a pharmacist's
36 agent, and a health care service plan or insurer. Patients who are
37 insured or covered and receive a pharmacy benefit that covers the
38 cost of emergency contraception shall not be required to pay an
39 administrative fee. These patients shall be required to pay
40 copayments pursuant to the terms and conditions of their coverage.

1 This paragraph shall become inoperative for dedicated emergency
2 contraception drugs if these drugs are reclassified as
3 over-the-counter products by the federal Food and Drug
4 Administration.

5 (4) A pharmacist shall not require a patient to provide
6 individually identifiable medical information that is not specified
7 in Section 1707.1 of Title 16 of the California Code of Regulations
8 before initiating emergency contraception drug therapy pursuant
9 to this subdivision.

10 (c) For each emergency contraception drug therapy or
11 self-administered hormonal contraception initiated pursuant to this
12 section, the pharmacist shall provide the recipient of the drug with
13 a standardized factsheet that includes, but is not limited to, the
14 indications and contraindications for use of the drug, the
15 appropriate method for using the drug, the need for medical
16 followup, and other appropriate information. The board shall
17 develop this form in consultation with the State Department of
18 Public Health, the American Congress of Obstetricians and
19 Gynecologists, the California Pharmacists Association, and other
20 health care organizations. This section does not preclude the use
21 of existing publications developed by nationally recognized
22 medical organizations.

23 SEC. 8. Section 4052.6 is added to the Business and Professions
24 Code, to read:

25 4052.6. (a) A pharmacist recognized by the board as an
26 advanced practice pharmacist may do all of the following:

- 27 (1) Perform patient assessments.
- 28 (2) Order and interpret drug therapy-related tests.
- 29 (3) Refer patients to other health care providers.
- 30 (4) Participate in the evaluation and management of diseases
31 and health conditions in collaboration with other health care
32 providers.

33 (5) Initiate, adjust, or discontinue drug therapy in the manner
34 specified in paragraph (4) of subdivision (a) of Section 4052.2.

35 (b) A pharmacist who adjusts or discontinues drug therapy shall
36 promptly transmit written notification to the patient's diagnosing
37 prescriber or enter the appropriate information in a patient record
38 system shared with the prescriber, as permitted by that prescriber.
39 A pharmacist who initiates drug therapy shall promptly transmit
40 written notification to, or enter the appropriate information into,

1 a patient record system shared with the patient’s primary care
2 provider or diagnosing provider, as permitted by that provider.

3 (c) This section shall not interfere with a physician’s order to
4 dispense a prescription drug as written, or other order of similar
5 meaning.

6 (d) Prior to initiating or adjusting a controlled substance therapy
7 pursuant to this section, a pharmacist shall personally register with
8 the federal Drug Enforcement Administration.

9 (e) *A pharmacist who orders and interprets tests pursuant to
10 paragraph (2) of subdivision (a) shall ensure that the ordering of
11 those tests is done in coordination with the patient’s primary care
12 provider or diagnosing prescriber, as appropriate, including
13 promptly transmitting written notification to the patient’s
14 diagnosing prescriber or entering the appropriate information in
15 a patient record system shared with the prescriber, when available
16 and as permitted by that prescriber.*

17 SEC. 9. Section 4052.8 is added to the Business and Professions
18 Code, to read:

19 4052.8. (a) In addition to the authority provided in paragraph
20 (11) of subdivision (a) of Section 4052, a pharmacist may
21 independently initiate and administer vaccines listed on the routine
22 immunization schedules recommended by the federal Advisory
23 Committee on Immunization Practices (ACIP), in compliance with
24 individual ACIP vaccine recommendations, and published by the
25 federal Centers for Disease Control and Prevention (CDC) for
26 persons three years of age and older.

27 (b) In order to initiate and administer an immunization described
28 in subdivision (a), a pharmacist shall do all of the following:

29 (1) Complete an immunization training program endorsed by
30 the CDC or the Accreditation Council for Pharmacy Education
31 that, at a minimum, includes hands-on injection technique, clinical
32 evaluation of indications and contraindications of vaccines, and
33 the recognition and treatment of emergency reactions to vaccines,
34 and shall maintain that training.

35 (2) Be certified in basic life support.

36 (3) Comply with all state and federal recordkeeping and
37 reporting requirements, including providing documentation to the
38 patient’s primary care provider and entering information in the
39 appropriate immunization registry designated by the immunization
40 branch of the State Department of Public Health.

1 (c) A pharmacist administering immunizations pursuant to this
2 section, or paragraph (11) of subdivision (a) of Section 4052, may
3 also initiate and administer epinephrine or diphenhydramine by
4 injection for the treatment of a severe allergic reaction.

5 SEC. 10. Section 4052.9 is added to the Business and
6 Professions Code, to read:

7 4052.9. (a) A pharmacist may furnish nicotine replacement
8 products approved by the federal Food and Drug Administration
9 for use by prescription only in accordance with standardized
10 procedures and protocols developed and approved by both the
11 board and the Medical Board of California in consultation with
12 other appropriate entities and provide smoking cessation services
13 if all of the following conditions are met:

14 (1) The pharmacist maintains records of all prescription drugs
15 and devices furnished for a period of at least three years for
16 purposes of notifying other health care providers and monitoring
17 the patient.

18 (2) The pharmacist notifies the patient's primary care provider
19 of any drugs or devices furnished to the patient. If the patient does
20 not have a primary care provider, the pharmacist provides the
21 patient with a written record of the drugs or devices furnished and
22 advises the patient to consult a physician of the patient's choice.

23 (3) The pharmacist is certified in smoking cessation therapy by
24 an organization recognized by the board.

25 (4) The pharmacist completes one hour of continuing education
26 focused on smoking cessation therapy biennially.

27 (b) The board and the Medical Board of California are both
28 authorized to ensure compliance with this section, and each board
29 is specifically charged with the enforcement of this section with
30 respect to their respective licensees. Nothing in this section shall
31 be construed to expand the authority of a pharmacist to prescribe
32 any other prescription medication.

33 SEC. 11. Section 4060 of the Business and Professions Code
34 is amended to read:

35 4060. A person shall not possess any controlled substance,
36 except that furnished to a person upon the prescription of a
37 physician, dentist, podiatrist, optometrist, veterinarian, or
38 naturopathic doctor pursuant to Section 3640.7, or furnished
39 pursuant to a drug order issued by a certified nurse-midwife
40 pursuant to Section 2746.51, a nurse practitioner pursuant to

1 Section 2836.1, a physician assistant pursuant to Section 3502.1,
2 a naturopathic doctor pursuant to Section 3640.5, or a pharmacist
3 pursuant to Section 4052.1, 4052.2, or 4052.6. This section does
4 not apply to the possession of any controlled substance by a
5 manufacturer, wholesaler, pharmacy, pharmacist, physician,
6 podiatrist, dentist, optometrist, veterinarian, naturopathic doctor,
7 certified nurse-midwife, nurse practitioner, or physician assistant,
8 if in stock in containers correctly labeled with the name and address
9 of the supplier or producer.

10 This section does not authorize a certified nurse-midwife, a nurse
11 practitioner, a physician assistant, or a naturopathic doctor, to order
12 his or her own stock of dangerous drugs and devices.

13 SEC. 12. Section 4076 of the Business and Professions Code
14 is amended to read:

15 4076. (a) A pharmacist shall not dispense any prescription
16 except in a container that meets the requirements of state and
17 federal law and is correctly labeled with all of the following:

18 (1) Except when the prescriber or the certified nurse-midwife
19 who functions pursuant to a standardized procedure or protocol
20 described in Section 2746.51, the nurse practitioner who functions
21 pursuant to a standardized procedure described in Section 2836.1
22 or protocol, the physician assistant who functions pursuant to
23 Section 3502.1, the naturopathic doctor who functions pursuant
24 to a standardized procedure or protocol described in Section
25 3640.5, or the pharmacist who functions pursuant to a policy,
26 procedure, or protocol pursuant to Section 4052.1, 4052.2, or
27 4052.6 orders otherwise, either the manufacturer's trade name of
28 the drug or the generic name and the name of the manufacturer.
29 Commonly used abbreviations may be used. Preparations
30 containing two or more active ingredients may be identified by
31 the manufacturer's trade name or the commonly used name or the
32 principal active ingredients.

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

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

35 (4) The name of the prescriber or, if applicable, the name of the
36 certified nurse-midwife who functions pursuant to a standardized
37 procedure or protocol described in Section 2746.51, the nurse
38 practitioner who functions pursuant to a standardized procedure
39 described in Section 2836.1 or protocol, the physician assistant
40 who functions pursuant to Section 3502.1, the naturopathic doctor

1 who functions pursuant to a standardized procedure or protocol
2 described in Section 3640.5, or the pharmacist who functions
3 pursuant to a policy, procedure, or protocol pursuant to Section
4 4052.1, 4052.2, or 4052.6.

5 (5) The date of issue.

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

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

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

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

12 (10) The condition or purpose for which the drug was prescribed
13 if the condition or purpose is indicated on the prescription.

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

18 (i) Prescriptions dispensed by a veterinarian.

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

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

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

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

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

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

38 (c) If a pharmacist dispenses a dangerous drug or device in a
39 facility licensed pursuant to Section 1250 of the Health and Safety
40 Code, it is not necessary to include on individual unit dose

1 containers for a specific patient, the name of the certified
2 nurse-midwife who functions pursuant to a standardized procedure
3 or protocol described in Section 2746.51, the nurse practitioner
4 who functions pursuant to a standardized procedure described in
5 Section 2836.1 or protocol, the physician assistant who functions
6 pursuant to Section 3502.1, the naturopathic doctor who functions
7 pursuant to a standardized procedure or protocol described in
8 Section 3640.5, or the pharmacist who functions pursuant to a
9 policy, procedure, or protocol pursuant to Section 4052.1, 4052.2,
10 or 4052.6.

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

21 SEC. 13. Section 4111 of the Business and Professions Code
22 is amended to read:

23 4111. (a) Except as otherwise provided in subdivision (b), (d),
24 or (e), the board shall not issue or renew a license to conduct a
25 pharmacy to any of the following:

26 (1) A person or persons authorized to prescribe or write a
27 prescription, as specified in Section 4040, in the State of California.

28 (2) A person or persons with whom a person or persons specified
29 in paragraph (1) shares a community or other financial interest in
30 the permit sought.

31 (3) Any corporation that is controlled by, or in which 10 percent
32 or more of the stock is owned by a person or persons prohibited
33 from pharmacy ownership by paragraph (1) or (2).

34 (b) Subdivision (a) shall not preclude the issuance of a permit
35 for an inpatient hospital pharmacy to the owner of the hospital in
36 which it is located.

37 (c) The board may require any information the board deems is
38 reasonably necessary for the enforcement of this section.

39 (d) Subdivision (a) shall not preclude the issuance of a new or
40 renewal license for a pharmacy to be owned or owned and operated

1 by a person licensed on or before August 1, 1981, under the
2 Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2
3 (commencing with Section 1340) of Division 2 of the Health and
4 Safety Code) and qualified on or before August 1, 1981, under
5 subsection (d) of Section 1310 of Title XIII of the federal Public
6 Health Service Act, as amended, whose ownership includes persons
7 defined pursuant to paragraphs (1) and (2) of subdivision (a).

8 (e) Subdivision (a) shall not preclude the issuance of a new or
9 renewal license for a pharmacy to be owned or owned and operated
10 by a pharmacist authorized to issue a drug order pursuant to Section
11 4052.1, 4052.2, or 4052.6.

12 SEC. 14. Section 4174 of the Business and Professions Code
13 is amended to read:

14 4174. Notwithstanding any other law, a pharmacist may
15 dispense drugs or devices upon the drug order of a nurse
16 practitioner functioning pursuant to Section 2836.1 or a certified
17 nurse-midwife functioning pursuant to Section 2746.51, a drug
18 order of a physician assistant functioning pursuant to Section
19 3502.1 or a naturopathic doctor functioning pursuant to Section
20 3640.5, or the order of a pharmacist acting under Section 4052.1,
21 4052.2, 4052.3, or 4052.6.

22 SEC. 15. Section 4210 is added to the Business and Professions
23 Code, to read:

24 4210. (a) A person who seeks recognition as an advanced
25 practice pharmacist shall meet all of the following requirements:

26 (1) Hold an active license to practice pharmacy issued pursuant
27 to this chapter that is in good standing.

28 (2) Satisfy any two of the following criteria:

29 (A) Earn certification in a relevant area of practice, including,
30 but not limited to, ambulatory care, critical care, nuclear pharmacy,
31 nutrition support pharmacy, oncology pharmacy, pediatric
32 pharmacy, pharmacotherapy, or psychiatric pharmacy, from an
33 organization recognized by the Accreditation Council for Pharmacy
34 Education or another entity recognized by the board.

35 (B) Complete a postgraduate residency through an accredited
36 postgraduate institution where at least 50 percent of the experience
37 includes the provision of direct patient care services with
38 interdisciplinary teams.

39 (C) Have provided clinical services to patients for at least one
40 year under a collaborative practice agreement or protocol with a

1 physician, advanced practice pharmacist, pharmacist practicing
2 collaborative drug therapy management, or health system.

3 (3) File an application with the board for recognition as an
4 advanced practice pharmacist.

5 (4) Pay the applicable fee to the board.

6 (b) An advanced practice pharmacist recognition issued pursuant
7 to this section shall be valid for two years, coterminous with the
8 certificate holder's license to practice pharmacy.

9 (c) The board shall adopt regulations establishing the means of
10 documenting completion of the requirements in this section.

11 (d) The board shall, by regulation, set the fee for the issuance
12 and renewal of advanced practice pharmacist recognition at the
13 reasonable cost of regulating advanced practice pharmacists
14 pursuant to this chapter. The fee shall not exceed three hundred
15 dollars (\$300).

16 SEC. 16. Section 4233 is added to the Business and Professions
17 Code, to read:

18 4233. A pharmacist who is recognized as an advanced practice
19 pharmacist shall complete 10 hours of continuing education each
20 renewal cycle in addition to the requirements of Section 4231. The
21 subject matter shall be in one or more areas of practice relevant to
22 the pharmacist's clinical practice.

23 SEC. 17. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.