

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

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.

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.

1 (b) Notwithstanding any other law, a licentiate shall dispense
2 drugs and devices, as described in subdivision (a) of Section 4024,
3 pursuant to a lawful order or prescription unless one of the
4 following circumstances exists:

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

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

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

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

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

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

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

3 (d) This section applies to emergency contraception drug therapy
4 and self-administered hormonal contraceptives described in Section
5 4052.3.

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

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

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

16 4016.5. “Advanced practice pharmacist” means a licensed
17 pharmacist who has been recognized as an advanced practice
18 pharmacist by the board, pursuant to Section 4210. A
19 board-recognized advanced practice pharmacist is entitled to
20 practice advanced practice pharmacy, as described in Section
21 4052.6, within or outside of a licensed pharmacy as authorized by
22 this chapter.

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

25 4040. (a) “Prescription” means an oral, written, or electronic
26 transmission order that is both of the following:

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

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

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

32 (C) The date of issue.

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

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

39 (F) If in writing, signed by the prescriber issuing the order, or
40 the certified nurse-midwife, nurse practitioner, physician assistant,

1 or naturopathic doctor who issues a drug order pursuant to Section
2 2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist
3 who issues a drug order pursuant to Section 4052.1, 4052.2, or
4 4052.6.

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

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

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

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

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

39 SEC. 4. Section 4050 of the Business and Professions Code is
40 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 *described in*
22 *subparagraph (A) in accordance subparagraph (B):*
- 23 (A) (1) Emergency contraception drug therapy and
24 self-administered hormonal contraceptives, as authorized by
25 Section 4052.3.
- 26 ~~(B)~~
- 27 (2) Nicotine replacement products, as authorized by Section
28 4052.9.
- 29 ~~(C)~~
- 30 (3) Prescription medications not requiring a diagnosis that are
31 recommended by the federal Centers for Disease Control and
32 Prevention for individuals traveling outside of the United States.
- 33 ~~(D)~~
- 34 (B) The pharmacist shall notify the patient's primary care
35 provider of any drugs or devices furnished to the patient, *or enter*
36 *the appropriate information in a patient record system shared with*
37 *the primary care provider, as permitted by that primary care*
38 *provider.* If the patient does not have a primary care provider, the
39 pharmacist shall provide the patient with a written record of the

1 drugs or devices furnished and advise the patient to consult a
2 physician of the patient’s choice.

3 (11) Administer immunizations pursuant to a protocol with a
4 prescriber.

5 (12) Order and interpret tests for the purpose of monitoring and
6 managing the efficacy and toxicity of drug therapies. A pharmacist
7 who orders and interprets tests pursuant to this paragraph shall
8 ensure that the ordering of those tests is done in coordination with
9 the patient’s primary care provider or diagnosing prescriber, as
10 appropriate, including promptly transmitting written notification
11 to the patient’s diagnosing prescriber or entering the appropriate
12 information in a patient record system shared with the prescriber,
13 when available and as permitted by that prescriber.

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

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

20 (1) Maintaining the confidentiality of medical records.

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

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

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

1 subdivision, or if it is determined that use of a self-administered
2 hormonal contraceptive is not recommended.

3 (2) The board and the Medical Board of California are both
4 authorized to ensure compliance with this subdivision, and each
5 board is specifically charged with the enforcement of this
6 subdivision with respect to its respective licensees. This subdivision
7 does not expand the authority of a pharmacist to prescribe any
8 prescription medication.

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

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

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

25 (2) Prior to performing a procedure authorized under this
26 subdivision, a pharmacist shall complete a training program on
27 emergency contraception that consists of at least one hour of
28 approved continuing education on emergency contraception drug
29 therapy.

30 (3) A pharmacist, pharmacist's employer, or pharmacist's agent
31 shall not directly charge a patient a separate consultation fee for
32 emergency contraception drug therapy services initiated pursuant
33 to this subdivision, but may charge an administrative fee not to
34 exceed ten dollars (\$10) above the retail cost of the drug. Upon an
35 oral, telephonic, electronic, or written request from a patient or
36 customer, a pharmacist or pharmacist's employee shall disclose
37 the total retail price that a consumer would pay for emergency
38 contraception drug therapy. As used in this paragraph, total retail
39 price includes providing the consumer with specific information
40 regarding the price of the emergency contraception drugs and the

1 price of the administrative fee charged. This limitation is not
2 intended to interfere with other contractually agreed-upon terms
3 between a pharmacist, a pharmacist's employer, or a pharmacist's
4 agent, and a health care service plan or insurer. Patients who are
5 insured or covered and receive a pharmacy benefit that covers the
6 cost of emergency contraception shall not be required to pay an
7 administrative fee. These patients shall be required to pay
8 copayments pursuant to the terms and conditions of their coverage.
9 This paragraph shall become inoperative for dedicated emergency
10 contraception drugs if these drugs are reclassified as
11 over-the-counter products by the federal Food and Drug
12 Administration.

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

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

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

33 4052.6. (a) A pharmacist recognized by the board as an
34 advanced practice pharmacist may do all of the following:

- 35 (1) Perform patient assessments.
- 36 (2) Order and interpret drug therapy-related tests.
- 37 (3) Refer patients to other health care providers.
- 38 (4) Participate in the evaluation and management of diseases
39 and health conditions in collaboration with other health care
40 providers.

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

3 (b) A pharmacist who adjusts or discontinues drug therapy shall
4 promptly transmit written notification to the patient’s diagnosing
5 prescriber or enter the appropriate information in a patient record
6 system shared with the prescriber, as permitted by that prescriber.

7 A pharmacist who initiates drug therapy shall promptly transmit
8 written notification to, or enter the appropriate information into,
9 a patient record system shared with the patient’s primary care
10 provider or diagnosing provider, as permitted by that provider.

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

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

17 (e) A pharmacist who orders and interprets tests pursuant to
18 paragraph (2) of subdivision (a) shall ensure that the ordering of
19 those tests is done in coordination with the patient’s primary care
20 provider or diagnosing prescriber, as appropriate, including
21 promptly transmitting written notification to the patient’s
22 diagnosing prescriber or entering the appropriate information in a
23 patient record system shared with the prescriber, when available
24 and as permitted by that prescriber.

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

27 4052.8. (a) In addition to the authority provided in paragraph
28 (11) of subdivision (a) of Section 4052, a pharmacist may
29 independently initiate and administer vaccines listed on the routine
30 immunization schedules recommended by the federal Advisory
31 Committee on Immunization Practices (ACIP), in compliance with
32 individual ACIP vaccine recommendations, and published by the
33 federal Centers for Disease Control and Prevention (CDC) for
34 persons three years of age and older.

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

37 (1) Complete an immunization training program endorsed by
38 the CDC or the Accreditation Council for Pharmacy Education
39 that, at a minimum, includes hands-on injection technique, clinical
40 evaluation of indications and contraindications of vaccines, and

1 the recognition and treatment of emergency reactions to vaccines,
2 and shall maintain that training.

3 (2) Be certified in basic life support.

4 (3) Comply with all state and federal recordkeeping and
5 reporting requirements, including providing documentation to the
6 patient’s primary care provider and entering information in the
7 appropriate immunization registry designated by the immunization
8 branch of the State Department of Public Health.

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

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

15 4052.9. (a) A pharmacist may furnish nicotine replacement
16 products approved by the federal Food and Drug Administration
17 for use by prescription only in accordance with standardized
18 procedures and protocols developed and approved by both the
19 board and the Medical Board of California in consultation with
20 other appropriate entities and provide smoking cessation services
21 if all of the following conditions are met:

22 (1) The pharmacist maintains records of all prescription drugs
23 and devices furnished for a period of at least three years for
24 purposes of notifying other health care providers and monitoring
25 the patient.

26 (2) The pharmacist notifies the patient’s primary care provider
27 of any drugs or devices furnished to the patient, *or enters the*
28 *appropriate information in a patient record system shared with*
29 *the primary care provider, as permitted by that primary care*
30 *provider. If the patient does not have a primary care provider, the*
31 *pharmacist provides the patient with a written record of the drugs*
32 *or devices furnished and advises the patient to consult a physician*
33 *of the patient’s choice.*

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

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

38 (b) The board and the Medical Board of California are both
39 authorized to ensure compliance with this section, and each board
40 is specifically charged with the enforcement of this section with

1 respect to their respective licensees. Nothing in this section shall
2 be construed to expand the authority of a pharmacist to prescribe
3 any other prescription medication.

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

6 4060. A person shall not possess any controlled substance,
7 except that furnished to a person upon the prescription of a
8 physician, dentist, podiatrist, optometrist, veterinarian, or
9 naturopathic doctor pursuant to Section 3640.7, or furnished
10 pursuant to a drug order issued by a certified nurse-midwife
11 pursuant to Section 2746.51, a nurse practitioner pursuant to
12 Section 2836.1, a physician assistant pursuant to Section 3502.1,
13 a naturopathic doctor pursuant to Section 3640.5, or a pharmacist
14 pursuant to Section 4052.1, 4052.2, or 4052.6. This section does
15 not apply to the possession of any controlled substance by a
16 manufacturer, wholesaler, pharmacy, pharmacist, physician,
17 podiatrist, dentist, optometrist, veterinarian, naturopathic doctor,
18 certified nurse-midwife, nurse practitioner, or physician assistant,
19 if in stock in containers correctly labeled with the name and address
20 of the supplier or producer.

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

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

26 4076. (a) A pharmacist shall not dispense any prescription
27 except in a container that meets the requirements of state and
28 federal law and is correctly labeled with all of the following:

29 (1) Except when the prescriber or the certified nurse-midwife
30 who functions pursuant to a standardized procedure or protocol
31 described in Section 2746.51, the nurse practitioner who functions
32 pursuant to a standardized procedure described in Section 2836.1
33 or protocol, the physician assistant who functions pursuant to
34 Section 3502.1, the naturopathic doctor who functions pursuant
35 to a standardized procedure or protocol described in Section
36 3640.5, or the pharmacist who functions pursuant to a policy,
37 procedure, or protocol pursuant to Section 4052.1, 4052.2, or
38 4052.6 orders otherwise, either the manufacturer's trade name of
39 the drug or the generic name and the name of the manufacturer.
40 Commonly used abbreviations may be used. Preparations

- 1 containing two or more active ingredients may be identified by
2 the manufacturer's trade name or the commonly used name or the
3 principal active ingredients.
- 4 (2) The directions for the use of the drug.
- 5 (3) The name of the patient or patients.
- 6 (4) The name of the prescriber or, if applicable, the name of the
7 certified nurse-midwife who functions pursuant to a standardized
8 procedure or protocol described in Section 2746.51, the nurse
9 practitioner who functions pursuant to a standardized procedure
10 described in Section 2836.1 or protocol, the physician assistant
11 who functions pursuant to Section 3502.1, the naturopathic doctor
12 who functions pursuant to a standardized procedure or protocol
13 described in Section 3640.5, or the pharmacist who functions
14 pursuant to a policy, procedure, or protocol pursuant to Section
15 4052.1, 4052.2, or 4052.6.
- 16 (5) The date of issue.
- 17 (6) The name and address of the pharmacy, and prescription
18 number or other means of identifying the prescription.
- 19 (7) The strength of the drug or drugs dispensed.
- 20 (8) The quantity of the drug or drugs dispensed.
- 21 (9) The expiration date of the effectiveness of the drug
22 dispensed.
- 23 (10) The condition or purpose for which the drug was prescribed
24 if the condition or purpose is indicated on the prescription.
- 25 (11) (A) Commencing January 1, 2006, the physical description
26 of the dispensed medication, including its color, shape, and any
27 identification code that appears on the tablets or capsules, except
28 as follows:
- 29 (i) Prescriptions dispensed by a veterinarian.
- 30 (ii) An exemption from the requirements of this paragraph shall
31 be granted to a new drug for the first 120 days that the drug is on
32 the market and for the 90 days during which the national reference
33 file has no description on file.
- 34 (iii) Dispensed medications for which no physical description
35 exists in any commercially available database.
- 36 (B) This paragraph applies to outpatient pharmacies only.
- 37 (C) The information required by this paragraph may be printed
38 on an auxiliary label that is affixed to the prescription container.

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

4 (b) If a pharmacist dispenses a prescribed drug by means of a
5 unit dose medication system, as defined by administrative
6 regulation, for a patient in a skilled nursing, intermediate care, or
7 other health care facility, the requirements of this section will be
8 satisfied if the unit dose medication system contains the
9 aforementioned information or the information is otherwise readily
10 available at the time of drug administration.

11 (c) If a pharmacist dispenses a dangerous drug or device in a
12 facility licensed pursuant to Section 1250 of the Health and Safety
13 Code, it is not necessary to include on individual unit dose
14 containers for a specific patient, the name of the certified
15 nurse-midwife who functions pursuant to a standardized procedure
16 or protocol described in Section 2746.51, the nurse practitioner
17 who functions pursuant to a standardized procedure described in
18 Section 2836.1 or protocol, the physician assistant who functions
19 pursuant to Section 3502.1, the naturopathic doctor who functions
20 pursuant to a standardized procedure or protocol described in
21 Section 3640.5, or the pharmacist who functions pursuant to a
22 policy, procedure, or protocol pursuant to Section 4052.1, 4052.2,
23 or 4052.6.

24 (d) If a pharmacist dispenses a prescription drug for use in a
25 facility licensed pursuant to Section 1250 of the Health and Safety
26 Code, it is not necessary to include the information required in
27 paragraph (11) of subdivision (a) when the prescription drug is
28 administered to a patient by a person licensed under the Medical
29 Practice Act (Chapter 5 (commencing with Section 2000)), the
30 Nursing Practice Act (Chapter 6 (commencing with Section 2700)),
31 or the Vocational Nursing Practice Act (Chapter 6.5 (commencing
32 with Section 2840)), who is acting within his or her scope of
33 practice.

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

36 4111. (a) Except as otherwise provided in subdivision (b), (d),
37 or (e), the board shall not issue or renew a license to conduct a
38 pharmacy to any of the following:

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

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

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

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

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

12 (d) Subdivision (a) shall not preclude the issuance of a new or
13 renewal license for a pharmacy to be owned or owned and operated
14 by a person licensed on or before August 1, 1981, under the
15 Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2
16 (commencing with Section 1340) of Division 2 of the Health and
17 Safety Code) and qualified on or before August 1, 1981, under
18 subsection (d) of Section 1310 of Title XIII of the federal Public
19 Health Service Act, as amended, whose ownership includes persons
20 defined pursuant to paragraphs (1) and (2) of subdivision (a).

21 (e) Subdivision (a) shall not preclude the issuance of a new or
22 renewal license for a pharmacy to be owned or owned and operated
23 by a pharmacist authorized to issue a drug order pursuant to Section
24 4052.1, 4052.2, or 4052.6.

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

27 4174. Notwithstanding any other law, a pharmacist may
28 dispense drugs or devices upon the drug order of a nurse
29 practitioner functioning pursuant to Section 2836.1 or a certified
30 nurse-midwife functioning pursuant to Section 2746.51, a drug
31 order of a physician assistant functioning pursuant to Section
32 3502.1 or a naturopathic doctor functioning pursuant to Section
33 3640.5, or the order of a pharmacist acting under Section 4052.1,
34 4052.2, 4052.3, or 4052.6.

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

37 4210. (a) A person who seeks recognition as an advanced
38 practice pharmacist shall meet all of the following requirements:

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

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

2 (A) Earn certification in a relevant area of practice, including,
3 but not limited to, ambulatory care, critical care, *geriatric*
4 *pharmacy*, nuclear pharmacy, nutrition support pharmacy, oncology
5 pharmacy, pediatric pharmacy, pharmacotherapy, or psychiatric
6 pharmacy, from an organization recognized by the Accreditation
7 Council for Pharmacy Education or another entity recognized by
8 the board.

9 (B) Complete a postgraduate residency through an accredited
10 postgraduate institution where at least 50 percent of the experience
11 includes the provision of direct patient care services with
12 interdisciplinary teams.

13 (C) Have provided clinical services to patients for at least one
14 year under a collaborative practice agreement or protocol with a
15 physician, advanced practice pharmacist, pharmacist practicing
16 collaborative drug therapy management, or health system.

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

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

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

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

25 (d) The board shall, by regulation, set the fee for the issuance
26 and renewal of advanced practice pharmacist recognition at the
27 reasonable cost of regulating advanced practice pharmacists
28 pursuant to this chapter. The fee shall not exceed three hundred
29 dollars (\$300).

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

32 4233. A pharmacist who is recognized as an advanced practice
33 pharmacist shall complete 10 hours of continuing education each
34 renewal cycle in addition to the requirements of Section 4231. The
35 subject matter shall be in one or more areas of practice relevant to
36 the pharmacist's clinical practice.

37 SEC. 17. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

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