

AMENDED IN ASSEMBLY SEPTEMBER 6, 2013

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.

This bill would incorporate additional changes in Section 4076 of the Business and Professions Code proposed by SB 205, that would become operative only if SB 205 and this bill are both chaptered and become effective on or before January 1, 2014, and this bill is chaptered last.

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:

1 733. (a) A licentiate shall not obstruct a patient in obtaining
2 a prescription drug or device that has been legally prescribed or
3 ordered for that patient. A violation of this section constitutes
4 unprofessional conduct by the licentiate and shall subject the
5 licentiate to disciplinary or administrative action by his or her
6 licensing agency.

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

11 (1) Based solely on the licentiate's professional training and
12 judgment, dispensing pursuant to the order or the prescription is
13 contrary to law, or the licentiate determines that the prescribed
14 drug or device would cause a harmful drug interaction or would
15 otherwise adversely affect the patient's medical condition.

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

20 (A) Immediately notify the patient and arrange for the drug or
21 device to be delivered to the site or directly to the patient in a
22 timely manner.

23 (B) Promptly transfer the prescription to another pharmacy
24 known to stock the prescription drug or device that is near enough
25 to the site from which the prescription or order is transferred, to
26 ensure the patient has timely access to the drug or device.

27 (C) Return the prescription to the patient and refer the patient.
28 The licentiate shall make a reasonable effort to refer the patient to
29 a pharmacy that stocks the prescription drug or device that is near
30 enough to the referring site to ensure that the patient has timely
31 access to the drug or device.

32 (3) The licentiate refuses on ethical, moral, or religious grounds
33 to dispense a drug or device pursuant to an order or prescription.
34 A licentiate may decline to dispense a prescription drug or device
35 on this basis only if the licentiate has previously notified his or
36 her employer, in writing, of the drug or class of drugs to which he
37 or she objects, and the licentiate's employer can, without creating
38 undue hardship, provide a reasonable accommodation of the
39 licentiate's objection. The licentiate's employer shall establish
40 protocols that ensure that the patient has timely access to the

1 prescribed drug or device despite the licentiate’s refusal to dispense
2 the prescription or order. For purposes of this section, “reasonable
3 accommodation” and “undue hardship” shall have the same
4 meaning as applied to those terms pursuant to subdivision (l) of
5 Section 12940 of the Government Code.

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

8 (d) This section applies to emergency contraception drug therapy
9 and self-administered hormonal contraceptives described in Section
10 4052.3.

11 (e) This section imposes no duty on a licentiate to dispense a
12 drug or device pursuant to a prescription or order without payment
13 for the drug or device, including payment directly by the patient
14 or through a third-party payer accepted by the licentiate or payment
15 of any required copayment by the patient.

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

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

21 4016.5. “Advanced practice pharmacist” means a licensed
22 pharmacist who has been recognized as an advanced practice
23 pharmacist by the board, pursuant to Section 4210. A
24 board-recognized advanced practice pharmacist is entitled to
25 practice advanced practice pharmacy, as described in Section
26 4052.6, within or outside of a licensed pharmacy as authorized by
27 this chapter.

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

30 4040. (a) “Prescription” means an oral, written, or electronic
31 transmission order that is both of the following:

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

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

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

37 (C) The date of issue.

38 (D) Either rubber stamped, typed, or printed by hand or typeset,
39 the name, address, and telephone number of the prescriber, his or

1 her license classification, and his or her federal registry number,
2 if a controlled substance is prescribed.

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

5 (F) If in writing, signed by the prescriber issuing the order, or
6 the certified nurse-midwife, nurse practitioner, physician assistant,
7 or naturopathic doctor who issues a drug order pursuant to Section
8 2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist
9 who issues a drug order pursuant to Section 4052.1, 4052.2, or
10 4052.6.

11 (2) Issued by a physician, dentist, optometrist, podiatrist,
12 veterinarian, or naturopathic doctor pursuant to Section 3640.7 or,
13 if a drug order is issued pursuant to Section 2746.51, 2836.1,
14 3502.1, or 3460.5, by a certified nurse-midwife, nurse practitioner,
15 physician assistant, or naturopathic doctor licensed in this state,
16 or pursuant to Section 4052.1, 4052.2, or 4052.6 by a pharmacist
17 licensed in this state.

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

30 (c) “Electronic transmission prescription” includes both image
31 and data prescriptions. “Electronic image transmission
32 prescription” means any prescription order for which a facsimile
33 of the order is received by a pharmacy from a licensed prescriber.
34 “Electronic data transmission prescription” means any prescription
35 order, other than an electronic image transmission prescription,
36 that is electronically transmitted from a licensed prescriber to a
37 pharmacy.

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

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

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

8 4050. (a) In recognition of and consistent with the decisions
9 of the appellate courts of this state, the Legislature hereby declares
10 the practice of pharmacy to be a profession.

11 (b) Pharmacy practice is a dynamic, patient-oriented health
12 service that applies a scientific body of knowledge to improve and
13 promote patient health by means of appropriate drug use,
14 drug-related therapy, and communication for clinical and
15 consultative purposes. Pharmacy practice is continually evolving
16 to include more sophisticated and comprehensive patient care
17 activities.

18 (c) The Legislature further declares that pharmacists are health
19 care providers who have the authority to provide health care
20 services.

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

23 4051. (a) Except as otherwise provided in this chapter, it is
24 unlawful for any person to manufacture, compound, furnish, sell,
25 or dispense a dangerous drug or dangerous device, or to dispense
26 or compound a prescription pursuant to Section 4040 of a prescriber
27 unless he or she is a pharmacist under this chapter.

28 (b) Notwithstanding any other law, a pharmacist may authorize
29 the initiation of a prescription, pursuant to Section 4052.1, 4052.2,
30 4052.3, or 4052.6, and otherwise provide clinical advice, services,
31 information, or patient consultation, as set forth in this chapter, if
32 all of the following conditions are met:

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

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

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

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

3 4052. (a) Notwithstanding any other law, a pharmacist may:

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

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

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

9 (4) Perform procedures or functions in a licensed health care
10 facility as authorized by Section 4052.1.

11 (5) Perform procedures or functions as part of the care provided
12 by a health care facility, a licensed home health agency, a licensed
13 clinic in which there is a physician oversight, a provider who
14 contracts with a licensed health care service plan with regard to
15 the care or services provided to the enrollees of that health care
16 service plan, or a physician, as authorized by Section 4052.2.

17 (6) Perform procedures or functions as authorized by Section
18 4052.6.

19 (7) Manufacture, measure, fit to the patient, or sell and repair
20 dangerous devices, or furnish instructions to the patient or the
21 patient's representative concerning the use of those devices.

22 (8) Provide consultation, training, and education to patients
23 about drug therapy, disease management, and disease prevention.

24 (9) Provide professional information, including clinical or
25 pharmacological information, advice, or consultation to other
26 health care professionals, and participate in multidisciplinary
27 review of patient progress, including appropriate access to medical
28 records.

29 (10) Furnish the medications described in subparagraph (A) in
30 accordance *with* subparagraph (B):

31 (A) (1) Emergency contraception drug therapy and
32 self-administered hormonal contraceptives, as authorized by
33 Section 4052.3.

34 (2) Nicotine replacement products, as authorized by Section
35 4052.9.

36 (3) Prescription medications not requiring a diagnosis that are
37 recommended by the federal Centers for Disease Control and
38 Prevention for individuals traveling outside of the United States.

39 (B) The pharmacist shall notify the patient's primary care
40 provider of any drugs or devices furnished to the patient, or enter

1 the appropriate information in a patient record system shared with
2 the primary care provider, as permitted by that primary care
3 provider. If the patient does not have a primary care provider, the
4 pharmacist shall provide the patient with a written record of the
5 drugs or devices furnished and advise the patient to consult a
6 physician of the patient's choice.

7 (11) Administer immunizations pursuant to a protocol with a
8 prescriber.

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

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

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

24 (1) Maintaining the confidentiality of medical records.

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

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

28 4052.3. (a) (1) Notwithstanding any other law, a pharmacist
29 may furnish self-administered hormonal contraceptives in
30 accordance with standardized procedures or protocols developed
31 and approved by both the board and the Medical Board of
32 California in consultation with the American Congress of
33 Obstetricians and Gynecologists, the California Pharmacists
34 Association, and other appropriate entities. The standardized
35 procedure or protocol shall require that the patient use a
36 self-screening tool that will identify patient risk factors for use of
37 self-administered hormonal contraceptives, based on the current
38 United States Medical Eligibility Criteria (USMEC) for
39 Contraceptive Use developed by the federal Centers for Disease
40 Control and Prevention, and that the pharmacist refer the patient

1 to the patient’s primary care provider or, if the patient does not
2 have a primary care provider, to nearby clinics, upon furnishing a
3 self-administered hormonal contraceptive pursuant to this
4 subdivision, or if it is determined that use of a self-administered
5 hormonal contraceptive is not recommended.

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

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

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

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

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

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

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

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

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

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

36 4052.6. (a) A pharmacist recognized by the board as an
37 advanced practice pharmacist may do all of the following:

- 38 (1) Perform patient assessments.
- 39 (2) Order and interpret drug therapy-related tests.
- 40 (3) Refer patients to other health care providers.

1 (4) Participate in the evaluation and management of diseases
2 and health conditions in collaboration with other health care
3 providers.

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

6 (b) A pharmacist who adjusts or discontinues drug therapy shall
7 promptly transmit written notification to the patient’s diagnosing
8 prescriber or enter the appropriate information in a patient record
9 system shared with the prescriber, as permitted by that prescriber.
10 A pharmacist who initiates drug therapy shall promptly transmit
11 written notification to, or enter the appropriate information into,
12 a patient record system shared with the patient’s primary care
13 provider or diagnosing provider, as permitted by that provider.

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

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

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

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

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

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

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

7 (2) Be certified in basic life support.

8 (3) Comply with all state and federal recordkeeping and
9 reporting requirements, including providing documentation to the
10 patient's primary care provider and entering information in the
11 appropriate immunization registry designated by the immunization
12 branch of the State Department of Public Health.

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

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

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

26 (1) The pharmacist maintains records of all prescription drugs
27 and devices furnished for a period of at least three years for
28 purposes of notifying other health care providers and monitoring
29 the patient.

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

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

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

3 (b) The board and the Medical Board of California are both
4 authorized to ensure compliance with this section, and each board
5 is specifically charged with the enforcement of this section with
6 respect to their respective licensees. Nothing in this section shall
7 be construed to expand the authority of a pharmacist to prescribe
8 any other prescription medication.

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

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

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

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

31 4076. (a) A pharmacist shall not dispense any prescription
32 except in a container that meets the requirements of state and
33 federal law and is correctly labeled with all of the following:

34 (1) Except when the prescriber or the certified nurse-midwife
35 who functions pursuant to a standardized procedure or protocol
36 described in Section 2746.51, the nurse practitioner who functions
37 pursuant to a standardized procedure described in Section 2836.1
38 or protocol, the physician assistant who functions pursuant to
39 Section 3502.1, the naturopathic doctor who functions pursuant
40 to a standardized procedure or protocol described in Section

1 3640.5, or the pharmacist who functions pursuant to a policy,
2 procedure, or protocol pursuant to Section 4052.1, 4052.2, or
3 4052.6 orders otherwise, either the manufacturer's trade name of
4 the drug or the generic name and the name of the manufacturer.
5 Commonly used abbreviations may be used. Preparations
6 containing two or more active ingredients may be identified by
7 the manufacturer's trade name or the commonly used name or the
8 principal active ingredients.

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

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

11 (4) The name of the prescriber or, if applicable, the name of the
12 certified nurse-midwife who functions pursuant to a standardized
13 procedure or protocol described in Section 2746.51, the nurse
14 practitioner who functions pursuant to a standardized procedure
15 described in Section 2836.1 or protocol, the physician assistant
16 who functions pursuant to Section 3502.1, the naturopathic doctor
17 who functions pursuant to a standardized procedure or protocol
18 described in Section 3640.5, or the pharmacist who functions
19 pursuant to a policy, procedure, or protocol pursuant to Section
20 4052.1, 4052.2, or 4052.6.

21 (5) The date of issue.

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

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

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

26 (9) The expiration date of the effectiveness of the drug
27 dispensed.

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

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

34 (i) Prescriptions dispensed by a veterinarian.

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

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

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

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

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

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

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

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

37 *SEC. 12.5. Section 4076 of the Business and Professions Code*
38 *is amended to read:*

1 4076. (a) A pharmacist shall not dispense any prescription
2 except in a container that meets the requirements of state and
3 federal law and is correctly labeled with all of the following:

4 (1) Except ~~where~~ *when* the prescriber or the certified
5 nurse-midwife who functions pursuant to a standardized procedure
6 or protocol described in Section 2746.51, the nurse practitioner
7 who functions pursuant to a standardized procedure described in
8 Section 2836.1 or protocol, the physician assistant who functions
9 pursuant to Section 3502.1, the naturopathic doctor who functions
10 pursuant to a standardized procedure or protocol described in
11 Section 3640.5, or the pharmacist who functions pursuant to a
12 policy, procedure, or protocol pursuant to ~~either~~ Section ~~4052.1~~
13 ~~or~~ 4052.1, 4052.2, *or* 4052.6 orders otherwise, either the
14 manufacturer's trade name of the drug or the generic name and
15 the name of the manufacturer. Commonly used abbreviations may
16 be used. Preparations containing two or more active ingredients
17 may be identified by the manufacturer's trade name or the
18 commonly used name or the principal active ingredients.

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

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

21 (4) The name of the prescriber or, if applicable, the name of the
22 certified nurse-midwife who functions pursuant to a standardized
23 procedure or protocol described in Section 2746.51, the nurse
24 practitioner who functions pursuant to a standardized procedure
25 described in Section 2836.1 or protocol, the physician assistant
26 who functions pursuant to Section 3502.1, the naturopathic doctor
27 who functions pursuant to a standardized procedure or protocol
28 described in Section 3640.5, or the pharmacist who functions
29 pursuant to a policy, procedure, or protocol pursuant to ~~either~~
30 Section ~~4052.1~~ ~~or~~ 4052.1, 4052.2, *or* 4052.6.

31 (5) The date of issue.

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

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

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

36 (9) The expiration date of the effectiveness of the drug
37 dispensed.

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

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

5 (i) Prescriptions dispensed by a veterinarian.

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

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

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

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

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

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

25 (c) If a pharmacist dispenses a dangerous drug or device in a
26 ~~facility licensed pursuant to~~ *health facility, as defined in* Section
27 1250 of the Health and Safety Code, it is not necessary to include
28 on individual unit dose containers for a specific patient, the name
29 of the certified nurse-midwife who functions pursuant to a
30 standardized procedure or protocol described in Section 2746.51,
31 the nurse practitioner who functions pursuant to a standardized
32 procedure described in Section 2836.1 or protocol, the physician
33 assistant who functions pursuant to Section 3502.1, the naturopathic
34 doctor who functions pursuant to a standardized procedure or
35 protocol described in Section 3640.5, or the pharmacist who
36 functions pursuant to a policy, procedure, or protocol pursuant to
37 ~~either Section 4052.1 or~~ *4052.1, 4052.2, or 4052.6.*

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 2700)),
5 or the Vocational Nursing Practice Act (Chapter 6.5 (commencing
6 with Section 2840)), who is acting within his or her scope of
7 practice.

8 *(e) This section shall remain in effect only until January 1, 2016,*
9 *and as of that date is repealed, unless a later enacted statute, that*
10 *is enacted before January 1, 2016, deletes or extends that date.*

11 SEC. 12.7. Section 4076 is added to the Business and
12 Professions Code, to read:

13 4076. (a) A pharmacist shall not dispense any prescription
14 except in a container that meets the requirements of state and
15 federal law and is correctly labeled with all of the following:

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

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

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

33 (4) The name of the prescriber or, if applicable, the name of
34 the certified nurse-midwife who functions pursuant to a
35 standardized procedure or protocol described in Section 2746.51,
36 the nurse practitioner who functions pursuant to a standardized
37 procedure described in Section 2836.1 or protocol, the physician
38 assistant who functions pursuant to Section 3502.1, the
39 naturopathic doctor who functions pursuant to a standardized
40 procedure or protocol described in Section 3640.5, or the

1 *pharmacist who functions pursuant to a policy, procedure, or*
2 *protocol pursuant to Section 4052.1, 4052.2, or 4052.6.*

3 *(5) The date of issue.*

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

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

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

8 *(9) The expiration date of the effectiveness of the drug dispensed.*

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

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

15 *(i) Prescriptions dispensed by a veterinarian.*

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

20 *(iii) Dispensed medications for which no physical description*
21 *exists in any commercially available database.*

22 *(B) This paragraph applies to outpatient pharmacies only.*

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

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

28 *(b) The information required by paragraphs (1), (2), (3), (7),*
29 *and (10) of subdivision (a) shall be printed in at least a 12-point*
30 *typeface.*

31 *(c) 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,*
34 *or other health care facility, the requirements of this section will*
35 *be 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 *(d) If a pharmacist dispenses a dangerous drug or device in a*
39 *health facility, as defined in 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 (e) 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 (f) This section shall become operative on January 1, 2016.

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

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

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

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

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

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

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

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

10 (e) Subdivision (a) shall not preclude the issuance of a new or
11 renewal license for a pharmacy to be owned or owned and operated
12 by a pharmacist authorized to issue a drug order pursuant to Section
13 4052.1, 4052.2, or 4052.6.

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

16 4174. Notwithstanding any other law, a pharmacist may
17 dispense drugs or devices upon the drug order of a nurse
18 practitioner functioning pursuant to Section 2836.1 or a certified
19 nurse-midwife functioning pursuant to Section 2746.51, a drug
20 order of a physician assistant functioning pursuant to Section
21 3502.1 or a naturopathic doctor functioning pursuant to Section
22 3640.5, or the order of a pharmacist acting under Section 4052.1,
23 4052.2, 4052.3, or 4052.6.

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

26 4210. (a) A person who seeks recognition as an advanced
27 practice pharmacist shall meet all of the following requirements:

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

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

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

38 (B) Complete a postgraduate residency through an accredited
39 postgraduate institution where at least 50 percent of the experience

1 includes the provision of direct patient care services with
2 interdisciplinary teams.

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

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

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

10 (b) An advanced practice pharmacist recognition issued pursuant
11 to this section shall be valid for two years, coterminous with the
12 certificate holder’s license to practice pharmacy.

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

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

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

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

27 *SEC. 17. Sections 12.5 and 12.7 of this bill incorporate*
28 *amendments to Section 4076 of the Business and Professions Code*
29 *proposed by both this bill and Senate Bill 205. They shall only*
30 *become operative if (1) both bills are enacted and become effective*
31 *on or before January 1, 2014, (2) each bill amends Section 4076*
32 *of the Business and Professions Code, and (3) this bill is enacted*
33 *after Senate Bill 205, in which case Section 12 of this bill shall*
34 *not become operative.*

35 ~~SEC. 17.~~

36 SEC. 18. No reimbursement is required by this act pursuant
37 to Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

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

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