

Introduced by Senator Hill

February 18, 2016

An act to amend Sections 4001 and 4003 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1193, as introduced, Hill. California State Board of Pharmacy: executive officer.

The Pharmacy Law provides for the licensure and regulation of the practice of pharmacy by the California State Board of Pharmacy, which is within the Department of Consumer Affairs, and authorizes the board to appoint, with the approval of the Director of Consumer Affairs, an executive officer, as specified. Existing law repeals the provisions establishing the board and authorizing the board to appoint an executive officer as of January 1, 2017. Under existing law, the board is subject to evaluation by the Joint Sunset Review Committee upon its repeal.

This bill would extend the operation of the board and the board's authorization to appoint an executive officer until January 1, 2021.

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

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

- 1 SECTION 1. Section 4001 of the Business and Professions
- 2 Code is amended to read:
- 3 4001. (a) There is in the Department of Consumer Affairs a
- 4 California State Board of Pharmacy in which the administration
- 5 and enforcement of this chapter is vested. The board consists of
- 6 13 members.

1 (b) The Governor shall appoint seven competent pharmacists
2 who reside in different parts of the state to serve as members of
3 the board. The Governor shall appoint four public members, and
4 the Senate Committee on Rules and the Speaker of the Assembly
5 shall each appoint a public member who shall not be a licensee of
6 the board, any other board under this division, or any board referred
7 to in Section 1000 or 3600.

8 (c) At least five of the seven pharmacist appointees to the board
9 shall be pharmacists who are actively engaged in the practice of
10 pharmacy. Additionally, the membership of the board shall include
11 at least one pharmacist representative from each of the following
12 practice settings: an acute care hospital, an independent community
13 pharmacy, a chain community pharmacy, and a long-term health
14 care or skilled nursing facility. The pharmacist appointees shall
15 also include a pharmacist who is a member of a labor union that
16 represents pharmacists. For the purposes of this subdivision, a
17 “chain community pharmacy” means a chain of 75 or more stores
18 in California under the same ownership, and an “independent
19 community pharmacy” means a pharmacy owned by a person or
20 entity who owns no more than four pharmacies in California.

21 (d) Members of the board shall be appointed for a term of four
22 years. No person shall serve as a member of the board for more
23 than two consecutive terms. Each member shall hold office until
24 the appointment and qualification of his or her successor or until
25 one year shall have elapsed since the expiration of the term for
26 which the member was appointed, whichever first occurs.
27 Vacancies occurring shall be filled by appointment for the
28 unexpired term.

29 (e) Each member of the board shall receive a per diem and
30 expenses as provided in Section 103.

31 (f) This section shall remain in effect only until January 1, 2017,
32 2021, and as of that date is repealed, unless a later enacted statute,
33 that is enacted before January 1, 2017, deletes or extends that date.
34 *repealed.* Notwithstanding any other provision of law, the repeal
35 of this section renders the board subject to review by the
36 appropriate policy committees of the Legislature.

37 SEC. 2. Section 4003 of the Business and Professions Code is
38 amended to read:

39 4003. (a) The board, with the approval of the director, may
40 appoint a person exempt from civil service who shall be designated

1 as an executive officer and who shall exercise the powers and
2 perform the duties delegated by the board and vested in him or her
3 by this chapter. The executive officer may or may not be a member
4 of the board as the board may determine.

5 (b) The executive officer shall receive the compensation as
6 established by the board with the approval of the Director of
7 Finance. The executive officer shall also be entitled to travel and
8 other expenses necessary in the performance of his or her duties.

9 (c) The executive officer shall maintain and update in a timely
10 fashion records containing the names, titles, qualifications, and
11 places of business of all persons subject to this chapter.

12 (d) The executive officer shall give receipts for all money
13 received by him or her and pay it to the department, taking its
14 receipt therefor. Besides the duties required by this chapter, the
15 executive officer shall perform other duties pertaining to the office
16 as may be required of him or her by the board.

17 (e) This section shall remain in effect only until January 1, 2017,
18 2021, and as of that date is ~~repealed, unless a later enacted statute,~~
19 ~~that is enacted before January 1, 2017, deletes or extends that date.~~
20 *repealed.*