

Senate Bill No. 114

CHAPTER 308

An act to amend Sections 4054 and 4059 of the Business and Professions Code, relating to pharmacy.

[Approved by Governor August 18, 1997. Filed with Secretary of State August 18, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 114, Johnson. Pharmacy: dialysis.

Existing law provides for the regulation and licensure of the practice of pharmacy, and authorizes a pharmacist, and a manufacturer, wholesaler, or other supplier of hemodialysis drugs and devices who meet certain prescribed requirements, to distribute dangerous drugs and devices directly to hemodialysis patients pursuant to regulations adopted by the board. It also, among other things, requires home hemodialysis patients who receive these drugs or devices to complete a full course of home training given by a renal dialysis center licensed by the State Department of Health Services.

This bill would amend these provisions to apply them to dialysis instead of hemodialysis.

Existing law requires that home dialysis patients who receive dangerous drugs or devices pursuant to provisions authorizing distribution of dangerous drugs and devices directly to dialysis patients, to have completed a full course of home training given by a renal dialysis center.

This bill would, instead, require the patients to have completed a full course of home training given by a dialysis center.

Existing law authorizes the California State Board of Pharmacy to adopt regulations as necessary to ensure the safe distribution of these dangerous drugs and devices to dialysis patients without interruption of supply, and specifies the contents of the regulations, including, but not limited to, vendor licensing, records and labeling, patient receipts, and patient training.

This bill would delete the provisions specifying the contents of the regulations.

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

SECTION 1. Section 4054 of the Business and Professions Code is amended to read:

4054. Section 4051 shall not apply to a manufacturer, wholesaler, or other supplier of dialysis drugs and devices distributed directly to patients if the board finds that sufficient, qualified supervision is



employed by the manufacturer, wholesaler, or supplier adequately to safeguard and protect the public health.

SEC. 2. Section 4059 of the Business and Professions Code is amended to read:

4059. (a) No person shall furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian. No person shall furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian.

(b) This section shall not apply to the furnishing of any dangerous drug or dangerous device by a manufacturer, wholesaler or pharmacy to each other or to a physician, dentist, podiatrist, or veterinarian, or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug or device and its quantity. This section shall not apply to the furnishing of any dangerous device by a manufacturer, wholesaler, or pharmacy to a physical therapist acting within the scope of his or her license under sales and purchase records that correctly provide the date the device is provided, the names and addresses of the supplier and the buyer, and a description of the device and the quantity supplied.

(c) A pharmacist, or a person exempted pursuant to Section 4054, may distribute dangerous drugs and dangerous devices directly to dialysis patients pursuant to regulations adopted by the board. The board shall adopt any regulations as are necessary to ensure the safe distribution of these drugs and devices to dialysis patients without interruption thereof. A person who violates a regulation adopted pursuant to this subdivision shall be liable upon order of the board to surrender his or her personal license. These penalties shall be in addition to penalties that may be imposed pursuant to Section 4301. If the board finds any dialysis drugs or devices distributed pursuant to this subdivision to be ineffective or unsafe for the intended use, the board may institute immediate recall of any or all of the drugs or devices distributed to individual patients.

(d) Home dialysis patients who receive any drugs or devices pursuant to subdivision (c) shall have completed a full course of home training given by a dialysis center licensed by the State Department of Health Services. The physician prescribing the dialysis products shall submit proof satisfactory to the manufacturer or wholesaler that the patient has completed the program.

(e) A pharmacist may furnish a dangerous drug authorized for use pursuant to Section 2620.3 to a physical therapist or may furnish topical pharmaceutical agents authorized for use pursuant to paragraph (5) of subdivision (a) of Section 3041 to an optometrist. A record containing the date, name and address of the buyer, and name and quantity of the drug shall be maintained. This subdivision shall



not be construed to authorize the furnishing of a controlled substance.

(f) A medical device retailer shall dispense, furnish, transfer, or sell a dangerous device only to another medical device retailer, a pharmacy, a physician, a licensed health care facility, a licensed physical therapist, or a patient or his or her personal representative.

(g) A pharmacist may furnish electroneuromyographic needle electrodes or hypodermic needles used for the purpose of placing wire electrodes for kinesiological electromyographic testing to physical therapists who are certified by the Physical Therapy Examining Committee of California to perform tissue penetration in accordance with Section 2620.5.

(h) Nothing in this section shall be construed as permitting a licensed physical therapist to dispense or furnish a dangerous device without a prescription of a physician, dentist, podiatrist, or veterinarian.

(i) A veterinary food-animal drug retailer shall dispense, furnish, transfer, or sell veterinary food-animal drugs only to another veterinary food-animal drug retailer, a pharmacy, a veterinarian, or to a veterinarian's client pursuant to a prescription from the veterinarian for food-producing animals.

