

**Introduced by Senator Alpert**

February 12, 1999

An act to amend Section 4052 of the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 404, as introduced, Alpert. Pharmacy.

Under existing law, a pharmacist may not, in general, furnish a dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian. However, existing law provides for certain exemptions.

This bill would authorize a pharmacist to initiate or modify drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs.

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

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

- 1 SECTION 1. Section 4052 of the Business and
- 2 Professions Code is amended to read:
- 3 4052. (a) Notwithstanding any other provision of
- 4 law, a pharmacist may:
- 5 (1) Furnish a reasonable quantity of compounded
- 6 medication to a prescriber for office use by the prescriber.
- 7 (2) Transmit a valid prescription to another
- 8 pharmacist.



1 (3) Administer, orally or topically, drugs and  
2 biologicals pursuant to a prescriber's order.

3 (4) Perform the following procedures or functions in  
4 a licensed health care facility in accordance with policies,  
5 procedures, or protocols developed by health  
6 professionals, including physicians, pharmacists, and  
7 registered nurses, with the concurrence of the facility  
8 administrator:

9 (A) Ordering or performing routine drug  
10 therapy-related patient assessment procedures including  
11 temperature, pulse, and respiration.

12 (B) Ordering drug therapy-related laboratory tests.

13 (C) Administering drugs and biologicals by injection  
14 pursuant to a prescriber's order (the administration of  
15 immunizations under the supervision of a prescriber may  
16 also be performed outside of a licensed health care  
17 facility).

18 (D) Initiating or adjusting the drug regimen of a  
19 patient pursuant to an order or authorization made by the  
20 patient's prescriber and in accordance with the policies,  
21 procedures, or protocols of the licensed health care  
22 facility.

23 (5) (A) Perform the following procedures or  
24 functions as part of the care provided by a health care  
25 facility, a licensed home health agency, a licensed clinic  
26 in which there is physician oversight, or a provider who  
27 contracts with a licensed health care service plan with  
28 regard to the care or services provided to the enrollees of  
29 that health care service plan, in accordance with policies,  
30 procedures, or protocols of that facility, home health  
31 agency, in accordance with subparagraph (D), licensed  
32 clinic, or health care service plan developed by health  
33 professionals, including physicians, pharmacists, and  
34 registered nurses, that, at a minimum shall require that  
35 the medical records of the patient be available to both the  
36 patient's prescriber and the pharmacist, and that the  
37 procedures to be performed by the pharmacist relate to  
38 a condition for which the patient has first seen a  
39 physician:



1 (i) Ordering or performing routine drug  
2 therapy-related patient assessment procedures including  
3 temperature, pulse, and respiration.

4 (ii) Ordering drug therapy related laboratory tests.

5 (iii) Administering drugs and biologicals by injection  
6 pursuant to a prescriber's order (the administration of  
7 immunizations under the supervision of a prescriber may  
8 also be performed outside of a licensed health care  
9 facility).

10 (iv) Adjusting the drug regimen of a patient pursuant  
11 to a specific written order or authorization made by the  
12 patient's prescriber for the individual patient, and in  
13 accordance with the policies, procedures, or protocols of  
14 the health care facility, home health agency, licensed  
15 clinic, or health care service plan. Adjusting the drug  
16 regimen does not include substituting or selecting a  
17 different drug, except as authorized by Section 4073.

18 (B) A patient's prescriber may prohibit, by written  
19 instruction, any adjustment or change in the patient's  
20 drug regimen by the pharmacist.

21 (C) The policies, procedures, or protocols referred to  
22 in this paragraph shall require that the pharmacist  
23 function as part of a multidisciplinary group that includes  
24 physicians and direct care registered nurses. The  
25 multidisciplinary group shall determine the appropriate  
26 participation of the pharmacist and the direct care  
27 registered nurse.

28 (D) A pharmacist performing any procedure  
29 authorized under this paragraph for a licensed home  
30 health agency shall perform the procedures in  
31 accordance with a written, patient-specific protocol  
32 approved by the treating or supervising physician. Any  
33 change, adjustment, or modification of an approved  
34 preexisting treatment or drug therapy shall be provided  
35 in writing to the treating or supervising physician within  
36 24 hours.

37 (6) Manufacture, measure, fit to the patient, or sell and  
38 repair dangerous devices or furnish instructions to the  
39 patient or the patient's representative concerning the use  
40 of those devices.



1 (7) Provide consultation to patients and professional  
2 information, including clinical or pharmacological  
3 information, advice, or consultation to other health care  
4 professionals.

5 (8) *Initiate or modify drug therapy in accordance with*  
6 *written guidelines or protocols previously established and*  
7 *approved for his or her practice by a practitioner*  
8 *authorized to prescribe drugs.*

9 (b) Prior to performing any procedure authorized by  
10 paragraph (4) of subdivision (a), a pharmacist shall have  
11 received appropriate training as prescribed in the  
12 policies and procedures of the licensed health care  
13 facility. Prior to performing any procedure authorized by  
14 paragraph (5) of subdivision (a), a pharmacist shall have  
15 either (1) successfully completed clinical residency  
16 training or (2) demonstrated clinical experience in direct  
17 patient care delivery.

18 (c) Nothing in this section shall affect the  
19 requirements of existing law relating to maintaining the  
20 confidentiality of medical records.

21 (d) Nothing in this section shall affect the  
22 requirements of existing law relating to the licensing of  
23 a health care facility.

