

AMENDED IN SENATE MARCH 27, 2000

AMENDED IN SENATE AUGUST 16, 1999

AMENDED IN SENATE JUNE 22, 1999

AMENDED IN ASSEMBLY MAY 28, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 141

Introduced by Assembly Member Knox

January 11, 1999

~~An act to add and repeal Section 4013 of the Business and Professions Code, relating to pharmacies, and making an appropriation therefor.—An act to amend Section 24216 of the Education Code, relating to state teachers' retirement.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 141, as amended, Knox. ~~Pharmacies—~~*State teachers' retirement: postretirement earnings.*

Under the State Teachers' Retirement Law, the service retirement allowance of a retired member shall be reduced if the member's postretirement compensation from specified activities exceeds a certain dollar amount; however, creditable service performed by a retired member in an emergency situation to fill a vacant administrative position is exempt from the calculation of that earnings limitation in specified circumstances.

This bill would expand that exemption, as specified, operative as specified.

~~Existing law provides for the California State Board of Pharmacy to regulate and enforce laws regarding the practice of pharmacy, as specified. Existing law also provides for the continuous appropriation of moneys in the Pharmacy Board Contingent Fund for the purposes of the board.~~

~~This bill would require the board to conduct a study regarding the incidence of medication errors in pharmacies, as specified, and to report these findings to the Legislature on or before December 1, 2004. The bill would provide that information collected and produced in the course of the study be used for research purposes only and disclosed solely for determining the validity and propriety of the study. The bill would require the identity of individual pharmacists and pharmacies to remain confidential, as specified, and would prohibit any information, records, or reports received or generated in connection with the study from being used for disciplinary purposes, as specified, or from being subject to discovery in connection with any administrative, civil, or criminal investigation or proceeding. The bill would make an appropriation by expanding the purposes for the expenditure of funds from the Pharmacy Board Contingent Fund, but would limit the expenditure from the fund for the study and expenses in connection therewith to \$1,041,000 and would require the board to reimburse the Pharmacy Board Contingent Fund in an amount equal to any private funding received for these purposes.~~

~~The bill would provide for the repeal of these provisions as of January 1, 2005, unless a later enacted statute deletes or extends that date.~~

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

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

1 ~~SECTION 1.~~ Section 4013 is added to the Business and
 2 *SECTION 1. Section 24216 of the Education Code is*
 3 *amended to read:*
 4 24216. (a) (1) A member retired for service under
 5 this part who is appointed as a trustee or administrator by
 6 the Superintendent of Public Instruction pursuant to



1 Section 41320.1, or a member retired for service who is
2 assigned by a county superintendent of schools pursuant
3 to Article 2 (commencing with Section 42120) of Chapter
4 6 of Part 24, shall be exempt from subdivisions (d), (e),
5 and (f) of Section 24214 for a maximum period of two
6 years.

7 (2) The period of exemption shall commence on the
8 date the member retired for service is appointed or
9 assigned and shall end no more than two calendar years
10 from that date, after which the limitation specified in
11 subdivisions (d), (e), and (f) of Section 24214 shall apply.

12 (3) An exemption under this subdivision shall be
13 granted by the system providing that the Superintendent
14 of Public Instruction or the county superintendent of
15 schools submits documentation required by the system to
16 substantiate the eligibility of the member retired for
17 service for an exemption under this subdivision.

18 (b) (1) A member retired for service under this part
19 who is employed by an employer to perform creditable
20 service in an emergency situation to fill a vacant
21 administrative position requiring highly specialized skills
22 shall be exempt from the provisions of subdivisions (d),
23 (e) and (f) of Section 24214 for creditable service
24 performed up to one-half of the full-time equivalent for
25 that position, if the vacancy occurred due to
26 circumstances beyond the control of the employer. The
27 limitation specified in subdivisions (d), (e), and (f) of
28 Section 24214 shall apply to creditable service performed
29 beyond the specified exemption.

30 (2) *A member described in paragraph (1) may be*
31 *exempt from the provisions of subdivisions (d), (e), and*
32 *(f) of Section 24214 for up to an additional one-half of the*
33 *full time equivalent for the same position, provided*
34 *neither the member or any other member has ever*
35 *received an exemption pursuant to this paragraph for the*
36 *same position and the employer has satisfied the*
37 *requirements of subparagraph (D) of paragraph (3).*

38 (3) An exemption under this subdivision shall be
39 granted by the system subject to the following conditions:



1 (A) The recruitment process to fill the vacancy on a
2 permanent basis is expected to extend over several
3 months.

4 (B) The employment is reported in a public meeting
5 of the governing body of the employer.

6 (C) The employer submits documentation required
7 by the system to substantiate the eligibility of the
8 member retired for service for an exemption under this
9 subdivision.

10 (D) *For exemption requests under paragraph (2), the*
11 *employer shall submit documentation to substantiate the*
12 *unsuccessful attempts to permanently fill the position*
13 *while the position was occupied by a retired member*
14 *under paragraph (1) and that the vacancy continues to*
15 *exist due to circumstances beyond the control of the*
16 *employer.*

17 (c) This section shall not apply to any person who has
18 received additional service credit pursuant to Section
19 22715 or 22716.

20 (d) A person who has received additional service
21 credit pursuant to Section 22714 shall be ineligible for one
22 year from the effective date of retirement for the
23 exemption provided in this section for service performed
24 in the district from which he or she retired.

25 (e) *The amendments to this section enacted during*
26 *the 1999–2000 Regular Session shall be deemed to*
27 *authorize exemptions pursuant to paragraph (2) of*
28 *subdivision (b) on and after July 1, 1999.*

29 (f) This section shall become operative on July 1, 1995,
30 and shall remain in effect only until July 1, 2003, and as of
31 that date is repealed, unless a later enacted statute, which
32 is enacted before July 1, 2003, deletes or extends that date.

33 ~~Professions Code, to read:~~

34 ~~4013. (a) The board shall conduct a study of the~~
35 ~~incidence of medication errors in pharmacies in~~
36 ~~California. The study shall employ a methodology that~~
37 ~~uses “test” prescriptions distributed to a statistically~~
38 ~~significant cross section of pharmacies in the state. The~~
39 ~~board shall ensure that the study is based on sound~~
40 ~~scientific and analytic principles.~~



1 ~~The board shall issue a report of its findings from the~~
2 ~~study to the Legislature on or before December 1, 2004.~~

3 ~~(b) The purpose of the study described in subdivision~~
4 ~~(a) is to measure the frequency and describe the type of~~
5 ~~medication errors occurring in California pharmacies and~~
6 ~~to improve patient safety, and identify broader issues that~~
7 ~~may become the basis for instituting professionwide~~
8 ~~standards and changes.~~

9 ~~(c) The board shall have the authority to contract with~~
10 ~~outside entities to design the study, collect and analyze~~
11 ~~data results, and disseminate findings.~~

12 ~~(d) “Test” prescription, as used in this section, refers~~
13 ~~to a prescription that is prepared solely for the purposes~~
14 ~~set out in this section and issued only according to~~
15 ~~standards established for the study conducted pursuant to~~
16 ~~this section, and not for the actual medical needs of a~~
17 ~~patient. All prescription containers, including all drugs,~~
18 ~~obtained through such a prescription shall be forwarded~~
19 ~~to the board, or its designee immediately after~~
20 ~~examination for purposes of the study conducted~~
21 ~~pursuant to this section and shall thereafter remain under~~
22 ~~the board’s custody and in its possession until destroyed.~~

23 ~~(e) The information collected and produced in the~~
24 ~~course of the study shall be used for research purposes~~
25 ~~only and shall be disclosed for the sole purpose of~~
26 ~~determining the validity and propriety of the study. The~~
27 ~~identity of individual pharmacists and pharmacies shall~~
28 ~~remain confidential and shall not be disclosed to any~~
29 ~~person or private, public, or other governmental entity.~~
30 ~~No information derived from the study shall be used for~~
31 ~~disciplinary purposes by the board or any other~~
32 ~~government agency. The information, records, and~~
33 ~~reports received or generated in connection with the~~
34 ~~study shall not be subject to disclosure or discovery in~~
35 ~~connection with any administrative, civil or criminal~~
36 ~~investigation or proceeding.~~

37 ~~(f) Up to one million forty-one thousand dollars~~
38 ~~(\$1,041,000) may be expended from the Pharmacy Board~~
39 ~~Contingent Fund by the California State Board of~~
40 ~~Pharmacy for the purpose of conducting the study~~



1 ~~required by this section and meeting the State Board of~~
2 ~~Pharmacy's expenses in regard therewith. The board~~
3 ~~shall reimburse the Pharmacy Board Contingent Fund in~~
4 ~~an amount equal to any private funding obtained by the~~
5 ~~board for these purposes.~~

6 ~~(g) This section shall cease to be operative on January~~
7 ~~1, 2005, and on that date is repealed, unless a later enacted~~
8 ~~statute that is enacted on or before that date deletes or~~
9 ~~extends that date.~~

