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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 2. HEALING ARTS [500 - 4999.129] (*Division 2 enacted by Stats. 1937, Ch. 399.*)

CHAPTER 9. Pharmacy [4000 - 4427.8] (*Chapter 9 repealed and added by Stats. 1996, Ch. 890, Sec. 3.*)

ARTICLE 13.5. Correctional Clinics [4187 - 4187.5] (*Article 13.5 added by Stats. 2018, Ch. 36, Sec. 6.*)

4187. For purposes of this article the following terms shall have the following meanings:

(a) "Correctional clinic" means a primary care clinic, as referred to in subdivision (b) of Section 1206 of the Health and Safety Code, conducted, maintained, or operated by the state to provide health care to eligible patients of the Department of Corrections and Rehabilitation.

(b) "Chief executive officer" means the highest ranking health care administrator at a correctional institution.

(c) "Chief medical executive" means a physician and surgeon acting in the capacity of medical director within the correctional institution.

(d) "Chief nurse executive" means the highest ranking nurse within the correctional institution.

(e) "Licensed correctional clinic" means a correctional clinic that is licensed pursuant to this article.

(f) "Supervising dentist" means the highest ranking dentist within the correctional institution.

(*Added by Stats. 2018, Ch. 36, Sec. 6. (AB 1812) Effective June 27, 2018.*)

4187.1. (a) Notwithstanding any other provision of this chapter, a correctional clinic licensed by the board under this article may obtain drugs from a licensed correctional pharmacy, the Department of Corrections and Rehabilitation's Central Fill Pharmacy, or from another correctional clinic licensed by the board under this article within the same institution for the administration or dispensing of drugs or devices to patients eligible for care at the correctional facility if under either:

(1) The direction of a physician and surgeon, dentist, or other person lawfully authorized to prescribe.

(2) An approved protocol as identified within the statewide Inmate Medical Services Policies and Procedures.

(b) The dispensing or administering of drugs in a correctional clinic may be performed pursuant to a chart order, as defined in Section 4019, a valid prescription consistent with this chapter, or pursuant to an approved protocol as identified within the statewide Inmate Medical Services Policies and Procedures. The dispensing of drugs in a correctional clinic shall only be performed by a physician and surgeon, a dentist, a pharmacist, or other person lawfully authorized to dispense drugs. Medications dispensed to patients that are to be kept on the patient's person for use shall meet the labeling requirements of Section 4076 and all recordkeeping requirements of this chapter.

(c) A correctional clinic shall keep records of the kind and amounts of drugs acquired, administered, transferred, and dispensed. The records shall be available and maintained for a minimum of three years for inspection by all properly authorized personnel.

(d) (1) A correctional clinic shall not be entitled to the benefits of this section until it has obtained a license from the board.

(2) A separate license shall be required for each correctional clinic location and shall not be transferrable.

(3) A correctional clinic's location and address shall be identified by correctional institution and building within that correctional institution.

(4) A clinic shall notify the board in advance of any change in the clinic's address on a form furnished by the board.

(*Amended by Stats. 2019, Ch. 497, Sec. 6. (AB 991) Effective January 1, 2020.*)

4187.2. (a) The policies and procedures to implement the laws and regulations of this article within a correctional clinic shall be developed and approved by the statewide Correctional Pharmacy and Therapeutics Committee referenced in Section 5024.2 of the Penal Code. Prior to the issuance of a correctional clinic license by the board, an acknowledgment shall be signed by the correctional facility pharmacist-in-charge servicing that institution, the pharmacist-in-charge for the Department of Corrections and Rehabilitation's Central Fill Pharmacy, and the correctional clinic's chief medical executive, supervising dentist, chief nurse executive, and chief executive officer.

(b) (1) The chief executive officer shall be responsible for the safe, orderly, and lawful provision of pharmacy services. The pharmacist-in-charge of servicing the correctional facility shall implement the policies and procedures developed and approved by the statewide Correctional Pharmacy and Therapeutics Committee referenced in Section 5024.2 of the Penal Code and the California Correctional Health Care Services Health Care Department Operations Manual in conjunction with the chief executive officer, the chief medical executive, the supervising dentist, and the chief nurse executive.

(2) A licensed correctional clinic shall notify the board within 30 days of any change in the chief executive officer on a form furnished by the board.

(c) A correctional clinic shall be inspected at least quarterly by a pharmacist of the correctional pharmacy assigned to service that facility.

(Amended by Stats. 2020, Ch. 29, Sec. 2. (SB 118) Effective August 6, 2020.)

4187.3. A Schedule II, III, IV, or V controlled substance may be administered by health care staff of the licensed correctional clinic lawfully authorized to administer pursuant to a chart order, as defined in Section 4019, a valid prescription consistent with this chapter, or pursuant to an approved protocol as identified within the statewide Inmate Medical Services Policies and Procedures.

(Added by Stats. 2018, Ch. 36, Sec. 6. (AB 1812) Effective June 27, 2018.)

4187.4. The board shall have the authority to inspect a correctional clinic at any time in order to determine whether a correctional clinic is, or is not, operating in compliance with this article.

(Added by Stats. 2018, Ch. 36, Sec. 6. (AB 1812) Effective June 27, 2018.)

4187.5. (a) An automated drug delivery system, as defined in subdivision (h), may be located in a correctional clinic licensed by the board under this article. If an automated drug delivery system is located in a correctional clinic, the correctional clinic shall implement the statewide Correctional Pharmacy and Therapeutics Committee's policies and procedures and the California Correctional Health Care Services Health Care Department Operations Manual to ensure safety, accuracy, accountability, security, patient confidentiality, and maintenance of the quality, potency, and purity of drugs. All policies and procedures shall be maintained either in electronic form or paper form at the location where the automated drug system is being used.

(b) Drugs shall be removed from the automated drug delivery system upon authorization by a pharmacist after the pharmacist has reviewed the prescription and the patient profile for potential contraindications and adverse drug reactions. Where administration of the drug is necessary before a pharmacist has reviewed the prescription, and if, in the prescriber's professional judgment, delay in therapy may cause patient harm, a medication may be removed from the automated drug delivery system and administered or furnished to a patient under the direction of the prescriber. Where the drug is otherwise unavailable, a medication may be removed and administered or furnished to the patient pursuant to an approved protocol as identified within the California Correctional Health Care Services Health Care Department Operations Manual. Any removal of medication from an automated drug delivery system shall be documented and provided to the correctional pharmacy when it reopens.

(c) Drugs removed from the automated drug delivery system shall be provided to the patient by a health professional licensed pursuant to this division who is lawfully authorized to perform that task.

(d) The stocking of an automated drug delivery system shall be performed by either:

(1) A pharmacist.

(2) An intern pharmacist or pharmacy technician, acting under the supervision of a pharmacist.

(e) Review of the drugs contained within, and the operation and maintenance of, the automated drug delivery system shall be the responsibility of the correctional clinic. The review shall be conducted on a monthly basis by a pharmacist and shall include a physical inspection of the drugs in the automated drug delivery system, an inspection of the automated drug delivery system machine for cleanliness, and a review of all transaction records in order to verify the security and accountability of the system.

(f) The automated drug delivery system shall be operated by a licensed correctional pharmacy. Any drugs within an automated drug delivery system are considered owned by the licensed correctional pharmacy until they are dispensed from the automated drug delivery system.

(g) Drugs from the automated drug delivery system in a correctional clinic shall only be removed by a person authorized to stock the automated drug delivery system, or by a person lawfully authorized to administer or dispense the drugs.

(h) For purposes of this section, an "automated drug delivery system" means a mechanical system controlled remotely by a pharmacist that performs operations or activities, other than compounding or administration, relative to the storage, dispensing, or distribution of prepackaged dangerous drugs or dangerous devices. An automated drug delivery system shall collect, control, and maintain all transaction information to accurately track the movement of drugs into and out of the system for security, accuracy, and accountability.

(Amended by Stats. 2020, Ch. 29, Sec. 3. (SB 118) Effective August 6, 2020.)