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AB-690 Pharmacies: relocation: remote dispensing site pharmacy: pharmacy technician: qualifications.
(2019-2020)

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Assembly Bill No. 690

CHAPTER 679

An act to amend Sections 4062 and 4132 of the Business and Professions Code, relating to pharmacy, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 09, 2019. Filed with Secretary of State October 09, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 690, Aguiar-Curry. Pharmacies: relocation: remote dispensing site pharmacy: pharmacy technician: qualifications.

The Pharmacy Law requires the California State Board of Pharmacy within the Department of Consumer Affairs to license and regulate the practice of pharmacy, including pharmacists, pharmacy technicians, and pharmacies. The Pharmacy Law authorizes the board, during a declared federal, state, or local emergency, to waive application of any provisions of the Pharmacy Law or the regulations adopted pursuant to it, if, in the board's opinion, the waiver will aid in the protection of public health or the provision of patient care. The Pharmacy Law requires the board to issue a remote dispensing site pharmacy license to a supervising pharmacy, as defined, of a remote dispensing site pharmacy, as defined, if certain requirements are met. The Pharmacy Law authorizes a registered pharmacy technician who meets certain requirements, including meeting qualifications established in regulations adopted by the board, to work at a remote dispensing site pharmacy and perform specific tasks under the supervision of a pharmacist at a supervising pharmacy using a telepharmacy system.

This bill would authorize relocation of a pharmacy that is destroyed or severely damaged as a result of a natural disaster or due to events that led to a declared federal, state, or local emergency, if no changes are made to the management and control, or ownership, of the pharmacy, and all applicable laws and regulations are followed, and require that the board be notified of the relocation immediately upon identification of the new location. The bill would specify the qualifications for a registered pharmacy technician to work at a remote dispensing site pharmacy, relating to licensing, certification, education, and minimum work experience, including completion of at least 2,000 hours of experience within the previous 2 years.

The Pharmacy Law makes a knowing violation of any of its provisions punishable as a crime.

By expanding the scope of an existing crime, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4062 of the Business and Professions Code is amended to read:

4062. (a) Notwithstanding Section 4059 or any other law, a pharmacist or a clinic licensed and acting under Section 4180 may, in good faith, furnish a dangerous drug or dangerous device in reasonable quantities without a prescription during a federal, state, or local emergency, to further the health and safety of the public. A record containing the date, name, and address of the person to whom the drug or device is furnished, and the name, strength, and quantity of the drug or device furnished shall be maintained. The pharmacist or clinic shall communicate this information to the patient's attending physician as soon as possible. Notwithstanding Section 4060 or any other law, a person may possess a dangerous drug or dangerous device furnished without prescription pursuant to this section.

(b) During a declared federal, state, or local emergency, the board may waive application of any provisions of this chapter or the regulations adopted pursuant to it if, in the board's opinion, the waiver will aid in the protection of public health or the provision of patient care.

(c) During a declared federal, state, or local emergency, the board shall allow for the employment of a mobile pharmacy or clinic in impacted areas in order to ensure the continuity of patient care, if all of the following conditions are met:

- (1) The mobile pharmacy or clinic shares common ownership with at least one currently licensed pharmacy or clinic in good standing.
- (2) The mobile pharmacy or clinic retains records of dispensing, as required by subdivision (a).
- (3) A licensed pharmacist, or, in the case of a clinic, a professional director, is on the premises and the mobile pharmacy is under the control and management of a pharmacist, or, in the case of a clinic, a professional director, while the drugs are being dispensed.
- (4) Reasonable security measures are taken to safeguard the drug supply maintained in the mobile pharmacy or clinic.
- (5) The mobile pharmacy or clinic is located within the declared emergency area or affected areas.
- (6) The mobile pharmacy or clinic ceases the provision of services within 48 hours following the termination of the declared emergency.

(d) Notwithstanding any other law, the board may elect to continue to waive application of any provision of this chapter for up to 90 days following the termination of the declared emergency if, in the board's opinion, the continued waiver will aid in the protection of the public health or in the provision of patient care.

(e) (1) A pharmacy that is destroyed or severely damaged as a result of a natural disaster or due to events that led to a declared federal, state, or local emergency, may be relocated. The relocation shall not be considered a transfer of ownership or location under Section 4110, if no changes are made to the management and control, or ownership, of the pharmacy and all applicable laws and regulations are followed. Notification of the relocation shall be provided to the board immediately upon identification of the new location.

- (2) For purposes of this section, "severely damaged" means damage that renders the premises unsafe or unfit for entry or occupation.

SEC. 2. Section 4132 of the Business and Professions Code is amended to read:

4132. (a) In addition to the requirements of Section 4202, a pharmacy technician shall satisfy each of the following requirements before working at a remote dispensing site pharmacy:

- (1) Possess a pharmacy technician license that is in good standing.
- (2) Possess and maintain a certification issued by a board-approved pharmacy technician certification program.
- (3) Possess one of the following:
 - (A) A minimum of an associate degree in pharmacy technology.
 - (B) A minimum of a bachelor's degree in any subject.
 - (C) A certificate of completion from a course of training specified by regulations adopted by the board pursuant to Section 4202.

(4) Complete a minimum of 2,000 hours of experience working as a pharmacy technician within the two years preceding first commencing work in the remote dispensing site pharmacy.

(b) Notwithstanding Section 4115, a registered pharmacy technician may perform order entry, packaging, manipulative, repetitive, and other nondiscretionary tasks at a remote dispensing site pharmacy under the supervision of a pharmacist at a supervising pharmacy using a telepharmacy system.

(c) A pharmacy technician at a remote dispensing site pharmacy shall not do any of the following:

(1) Receive a new prescription order orally from a prescriber or other person authorized to prescribe by law.

(2) Consult with a patient or their agent regarding a prescription, either before or after dispensing, or regarding any medical information contained in a patient medication record system or patient chart.

(3) Identify, evaluate, or interpret a prescription.

(4) Interpret the clinical data in a patient medication record system or patient chart.

(5) Consult with any prescriber, nurse, or other health care professional or authorized agent thereof.

(6) Supervise the packaging of drugs and check the packaging procedure and product upon completion.

(7) Perform any function that requires the professional judgment of a licensed pharmacist.

(8) Compound drug preparations.

(d) Notwithstanding Section 4115, a pharmacist at a supervising pharmacy may supervise up to two pharmacy technicians at each remote dispensing site pharmacy. This subdivision shall not be construed to alter a pharmacist's ability to also supervise pharmacy technicians at the supervising pharmacy.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to address the public health and safety impact that recent declared federal, state, and local emergencies have had on consumers and pharmacies, especially in medically underserved areas of the state where remote dispensing site pharmacies operate, and in order to be prepared for other declared emergencies that may occur during the upcoming wildfire season which may necessitate the relocation of pharmacies, as soon as possible, it is necessary for this act to go into effect immediately.