

BOARD OF PHARMACY

SUPPLEMENT TO THE INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Advanced Practice Pharmacist Regulations

Title 16 Sections Affected: 16 CCR Sections 1730, 1730.1 and 1749.

16 CCR Section 1730.1 (a) (3)

(Note: Due to a change in number hierarchy, the text of this subsection previously appeared in subsection (c) of 16 CCR Section 1730.1.)

Specific Purpose

The language in this subsection is added to specify the requirements for which an applicant for the advance practice pharmacist license may qualify using experience earned under a collaborative practice agreement or protocol. The subsection specifies the time frame and duration for which the experience must have occurred.

Rationale for Necessity

The board specified 1,500 hours as the equivalent of one year of experience because that is a reasonable number of hours of relevant experience a pharmacist should have to qualify as an advance practice pharmacist.

If one year was not defined as a specific number of hours, conceivably a pharmacist could work very few hours and qualify based solely on the passing of time without meaningful experience. For example, a pharmacist could work 5 hours in early January, 5 hours in June, and 5 hours in late December, have completed a calendar year of experience, but only 15 hours of experience. A pharmacist with so little of the specified experience would not likely be prepared to practice as an advanced practice pharmacist, and the public would not be protected. The number of hours of experience is meaningful measure of a pharmacist's qualifications.

By requiring applicants using this qualification method to gain at least 1,500 hours of specified experience, the board is protecting the public by ensuring a significant level of experience. During that 1,500 hours of specified experience, pharmacists can be expected to have gained skills and expertise that will help the person practice safely as an advanced practice pharmacist.

Equating one year of experience with 1,500 hours is also consistent statutory provisions related to pharmacist intern hour experience requirements. Business and Professions Code section 4209, subdivision (a)(1), specifies that 1,500 hours of pharmacist intern experience required to be scheduled to take the California Practice Standards and Jurisprudence Examination for Pharmacists. Additionally, Business and Professions Code section 4209, subdivision (c) reflects the Legislature's intent to equate 1,500 intern pharmacist experience hours to a year of

experience. The board's selection of 1,500 hours of experience representing a year of experience is consistent with Business and Professions Code section 4209 and subdivisions (a)(1) and (c).

16 CCR Section 1730.1 (a) (3) (A)

(Note: Due to a change in number hierarchy, the text of this subsection previously appeared in subsection (c)(1) of 16 CCR Section 1730.1.)

Specific Purpose

The language in this subsection specifies the requirements of a written statement from the pharmacist applicant attesting, under penalty of perjury, that, if using experience to qualify as an advanced practice pharmacist, the applicant has completed the required experience, and done so within the time frame and as outlined in Business and Professions Code section 4210 (a)(2)(C).

Rationale for Necessity

The board specified the requirement of the applicant attesting under penalty of perjury to verify the accuracy of the applicant's claim of experience. By requiring attestation under penalty of perjury, the board is communicating to the applicant and future licensees, the gravity of falsifying information to the board. Pursuant to Business and Professions Code section 4301 (g), the board has the statutory authority to discipline a licensee who knowingly made or signed any certificate or document that falsely represents the existence or nonexistence of facts. Should an advanced practice pharmacist applicant become licensed under falsified certification of experience, the applicant/licensee will be disciplined by the board.

In requiring the applicant to attest under penalty of perjury, the board is ensuring that a certain level of experience is obtained by applicant, prior to licensure for the safety of the public. Failure to obtain the minimum experience prior to licensure would compromise the safety of the public in that an advanced practice pharmacist would be practicing without meeting the minimum experience requirement and could jeopardize the public's health and safety. By adding the attestation under penalty of perjury, the board is notifying the applicants and the consumers of California that the board takes seriously the minimum experience for consumer protection.

16 CCR Section 1730.1 (a) (3) (B)

(Note: Due to a change in number hierarchy, the text of this subsection previously appeared in subsection (c)(1) of 16 CCR Section 1730.1.)

Specific Purpose

The language in this section is added to specify the requirement of a written statement from the supervising practitioner, program director or health facility administrator attesting under penalty of perjury that the applicant has completed the required one year of experience providing clinical services to patients.

Rationale for Necessity

The board specified the requirement of the supervising practitioner, program director or health facility administrator attesting under penalty of perjury to verify the accuracy of the applicant's claim of experience and to make it more likely that the supervising practitioner, program director or health facility administrator is truthful in verifying the applicant's experience.

In order to ensure public protection, the board has specified regulatory requirements for the licensure of an advanced practice pharmacist, using the public's protection as the driving force for setting minimum qualifications. Failure to meet these minimum qualifications would result in the protection of consumers being compromised.

The supervising practitioner, program director or health facility administrator attesting under penalty of perjury is verifying that the applicant has met a requirement for qualification as an advance practice pharmacist. If the verification statement was not required under penalty of perjury, a supervising practitioner, program director or health facility administrator attesting under penalty of perjury may be inclined to falsify or exaggerate experience primarily because there is no consequence. The addition of the attestation of certifying under the penalty of perjury signals to the person verifying the information that the information must be correct and true.

The addition of the certification under penalty of perjury helps to ensure that the advanced practice pharmacist meets the minimum qualifications established for the protection of the public.