

Order of Adoption
Board of Pharmacy
California Code of Regulations

Specific Language to Amend Section 1773 and Add Section 1773.5

Amend Section 1773 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§ 1773. Disciplinary Conditions of Probation of Pharmacist.

(a) Unless otherwise directed by the Board in its sole discretion, any pharmacist who is serving a period of probation shall comply with the following conditions:

- (1) Obey all laws and regulations substantially related to the practice of Pharmacy;
- (2) Report to the Board or its designee quarterly either in person or in writing as directed; the report shall include the name and address of the probationer's employer. If the final probation report is not made as directed, the period of probation shall be extended until such time as the final report is made;
- (3) Submit to peer review if deemed necessary by the Board;
- (4) Provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board;
- (5) Inform all present and prospective employers of license restrictions and terms of probation. Probationers employed by placement agencies must inform all permittees in whose premises they work of license restrictions and terms of probation.
- (6) Not supervise any registered interns nor perform any of the duties of a preceptor;
- (7) The period of probation shall not run during such time that the probationer is engaged in the practice of pharmacy in a jurisdiction other than California.

(b) If ordered by the Board in an administrative action or agreed upon in the stipulated settlement of an administrative action, any registered pharmacist who is serving a period of probation shall comply with any or all of the following conditions;

- (1) Take and pass all or any sections of the pharmacist licensure examination and/or attend continuing education courses in excess of the required number in specific areas of practice if directed by the Board;
- (2) Provide evidence of medical or psychiatric care if the need for such care is indicated by the circumstances leading to the violation and is directed by the Board;
- (3) Allow the Board to obtain samples of blood or urine (at the pharmacist's option) for analysis at the pharmacist's expense, if the need for such a procedure is indicated by the circumstances leading to the violation and is directed by the Board;
- (4) If and as directed by the Board, practice only under the supervision of a pharmacist not on probation to the Board. The supervision directed may be continuous supervision, substantial supervision, partial supervision, or supervision by daily review as deemed necessary by the Board for supervision, partial supervision, or supervision by daily review as deemed necessary by the Board for the protection of the public health and safety.
- (5) Complete an ethics course that meets the requirements of section 1773.5.

(c) When the circumstances of the case so require, the Board may impose conditions of probation in addition to those enumerated herein by the terms of its decision in an administrative case or by stipulation of the parties.

Authority cited: Section 4005, Business and Professions Code. Reference: Section 4300, Business and Professions Code.

Add Section 1773.5 to Division 17 of Title 16 of the California Code of Regulations to read as follows:

§ 1773.5 Ethics Course Required as Condition of Probation.

When directed by the board, a pharmacist or intern pharmacist may be required to complete an ethics course that meets the requirements of this section as a condition of probation, license reinstatement or as abatement for a citation and fine. Board approval must be obtained prior to the commencement of an ethics course.

a. The board will consider for approval an ethics course that at minimum satisfies the following requirements:

- (1) Duration. The course shall consist of a minimum of 22 hours, of which at least 14 are contact hours and at least 8 additional hours are credited for preparation, evaluation and assessment.
- (2) Faculty. Every instructor shall either possess a valid unrestricted California professional license or otherwise be qualified, by virtue of prior training, education and experience, to teach an ethics or professionalism course at a university or teaching institution.
- (3) Educational Objectives. There are clearly stated educational objectives that can be realistically accomplished within the framework of the course.
- (4) Methods of Instruction. The course shall describe the teaching methods for each component of the program, e.g., lecture, seminar, role-playing, group discussion, video, etc.
- (5) Content. The course shall contain all of the following components:
 - (A) A background assessment to familiarize the provider and instructors with the factors that led to the prospective candidate's referral to the class.
 - (B) A baseline assessment of knowledge to determine the participant's knowledge/awareness of ethical and legal issues related to the practice of pharmacy in California, including but not limited to those legal and ethical issues related to the specific case(s) for which the participant has been referred to the program.
 - (C) An assessment of the participant's expectations of the program, recognition of need for change, and commitment to change.
 - (D) Didactic presentation of material related to those areas that were problems for the participants based upon the results of the background assessments and baseline assessments of knowledge.
 - (E) Experiential exercises that allow the participants to practice concepts and newly developed skills they have learned during the didactic section of the class.
 - (F) A longitudinal follow-up component that includes (1) a minimum of two contacts at spaced intervals (e.g., 6 months and 12 months) within one year after course completion or prior to completion of the participant's probationary period if probation is less than one year, to assess the participant's status; and (2) a status report submitted to the division within 10 calendar days after the last contact.
- (6) Class Size. A class shall not exceed a maximum of 12 participants.

- (7) Evaluation. The course shall include an evaluation method that documents that educational objectives have been met - e.g. written examination or written evaluation - and that provides for written follow-up evaluation at the conclusion of the longitudinal assessment.
- (8) Records. The course provider shall maintain all records pertaining to the program, including a record of the attendance for each participant, for a minimum of 3 years and shall make those records available for inspection and copying by the board or its designee.
- (9) Course Completion. The provider shall issue a certificate of completion to a participant who has successfully completed the program. The provider shall also notify the board or its designee in writing of its determination that a participant did not successfully complete the program. The provider shall fail a participant who either was not actively involved in the class or demonstrated behavior indicating a lack of insight (e.g., inappropriate comments, projection of blame). This notification shall be made within 10 calendar days of that determination and shall be accompanied by all documents supporting the determination.

Authority cited: Section 4005, Business and Professions Code. Reference: Section 4300, Business and Professions Code.

Virginia Herold
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Board of Pharmacy