

**REPORT TO THE BOARD OF PHARMACY  
FROM THE  
LEGISLATION & REGULATION COMMITTEE  
JUNE 16, 2000**

**MEETING MINUTES**

**I. Update on Proposed and Pending Regulations.**

The committee reviewed the status of pending and proposed regulations for 2000. The committee will place regulation proposals for the self-assessment program and the confidentiality of financial records on the list of regulations awaiting notice at the July board meeting.

**II. Update on Board Sponsored Bills for 2000 Legislative Session.**

The committee received an update on the status of board sponsored legislation. Those bills are specified below:

**Senate Bill 1339 (Figueroa)** – This bill requires pharmacies to develop and implement quality assurance programs to reduce medication errors. The bill also exempts information generated by the quality assurance process from discovery. Lastly, the bill requires the board to adopt regulations to implement the program.

**Assembly Bill 2018 (Thomson, Runner and Migden)** -- This bill repeals the triplicate prescription requirement for Schedule II controlled substances. It also makes the CURES electronic monitoring program permanent.

**Senate Bill 1554 (Business and Professions Committee)** -- This bill makes two changes to the Pharmacy Law identified by inspectors. These changes correct erroneous references to categories of licensure. The committee has also forwarded language to the Business and Professions Committee to permit pharmacies to resupply ambulances upon written request from an approved emergency medical service provider.

**III. Update on Bills With a Board Position.**

The committee received an update on legislation with a board position.

*AB 2240 (Bates) Electronic Prescriptions.* Removes the requirement that pharmacists reduce electronic transmission prescriptions to writing if specified standards are met. The bill also specifies that electronic transmission of controlled substance prescriptions will not be permitted until the Board of Pharmacy and the Department of Justice concur. The author accepted extensive amendments to address the board's concerns.

Position: Support

Fiscal Impact: \$40,000 per year in added inspector training in electronic prescription systems.

*AB 1496 (Olberg) Medical Equipment Service Providers.* This bill would expand and rename the board's medical device retailer program. Under the new legislation the program would include medical equipment retailers that sell non-prescription equipment.

Position: Oppose

Fiscal Impact: 11 Personnel Years, \$880,100 in ongoing annual costs

*AB 1759 (Papan) Internet Reports.* This bill requires any state agency maintaining a website to post a list of studies and reports initiated or completed by that state agency. The board opposed this bill due to a number of implementation problems. Some amendments have been made to address these issues, but the bill remains in a problematic form.

Position: Oppose Unless Amended

Fiscal Impact: .5 Personnel Years, \$35,000 in one-time costs.

*AB 2329 (Ducheny) Tribal Sovereignty.* Requires all state agencies to recognize the sovereignty of federally recognized Indian tribes.

Position: Oppose

*AB 2106 (Davis) GHB & GBL.* Imposes increased penalties for GHB & GBL violations.

Position: Support

*AB 2294 (Davis) Dietary Supplements; Ephedrine.* Requires dietary supplements containing ephedrine to meet specified labeling requirements. The bill was amended to move its provisions to the Sherman Food, Drug & Cosmetic Act per the board's request. This amendment indicates a support position from the board. Prior action by the board was a support if amended position.

Position: Support

*SB 1828 (Speier) Internet Drugs.* Permits the Board of Pharmacy to impose citations and fines up to \$25,000 per violation for violations related to dispensing on the internet per the board's request. This amendment indicates a support position from the board. Prior action by the board was a support if amended position.

Position: Support

Fiscal impact: 6.5 Personnel Years, Approximately \$900,000 in ongoing costs

*SB 1940 (Bowen) Pharmacy Records.*

Position: Support

#### **IV. New Bills**

*AB 1791 (Wiggins) Epinephrine Auto-Injectors.* Permits school districts and county offices of education to provide epinephrine auto-injectors to trained school site staff. The committee recommended a support if amended position. The bill has been amended to permit pharmacies to sell these injectors to school districts and county offices of education pursuant to a written order from a physician. This amendment resolved the committee's concerns and indicates a support position is warranted on the bill.

**Recommendation #1: The board should adopt a support position.**

*AB 2355 (Granlund) Orthotists and Prosthetists.* Establishes orthotists and prosthetists as a new category of professional licensure. Existing law frequently requires orthotists and prosthetists to register with the board as a medical device retailer. The committee recommended an oppose unless amended position. This bill was defeated in the Senate Business and Professions Committee and the committee recommendation is no longer appropriate.

*AB 2394 (Firebaugh) Cultural and Linguistic Competency.* Requires the Department of Consumer Affairs to adopt regulations regarding continuing education for health professionals relating to cultural and linguistic competency. The committee recommended an oppose unless amended position. However, the bill will be substantially changed to create a task force to study linguistic and cultural competency among health care professionals, and the committee recommendation is no longer appropriate.

*AB 2899 (Committee on Health) Hospital Chart Orders.* Permits on duty physicians to sign chart orders in lieu of the attending physician. The committee recommended the board take no position on this bill.

*SB 1419 (Haynes) Medical Profiling.* Prohibits the collection of individually identifiable medical information for determining criminal predisposition without specific statutory authorization. A prior version of the bill would have outlawed the CURES program. However, the bill has since been amended to resolve this problem. The committee's recommendation of oppose unless amended is no longer appropriate.

*SB 1903 (Speier) Medical Information.* Requires additional patient consent for subsidiaries to share medical information. Also permits patients to add addenda to their records not to exceed 250 words. The committee is concerned about the potential for doctor shopping patients to abuse the addendum provision and also was concerned about patients deriving a false sense of protection from the ability to insert addenda.

**Recommendation #2: The board should adopt an oppose unless amended position. The bill should be amended to remove the provision permitting patients to include an addendum in their medical record.**