



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GRAY DAVIS, GOVERNOR

**LEGISLATION & REGULATION COMMITTEE MEETING MINUTES
MARCH 24, 2000**

Present: Richard Mazzoni, Board President
Andrea Zinder, Board Member
Patricia Harris, Executive Officer
Virginia Herold, Assistant Executive Officer
Paul Riches, Legislative Analyst

I. Update on Proposed and Pending Regulations.

The committee reviewed the status of pending and proposed regulations for 2000. No action required. No action was taken or needed.

II. Review of 1999 Legislation that Remains Before the Legislature.

The committee reviewed the February 15, 2000 amendments to AB 1496 (Olberg). The amendments return the bill to its prior form relating to medical product suppliers. The bill proposes to expand the licensure of medical product suppliers to include businesses that sell or service home medical equipment. Items included in this definition include those that do not require a prescription. The board opposed this bill last year.

Committee Recommends: The board oppose AB 1496 (Olberg).

The committee also reviewed AB 141 (Knox) and SB 550 (Johnston) and determined no action was needed.

III. Update on Board Sponsored Bills for 2000 Legislative Session.

A. SB 1339 (Figueroa) – This bill requires pharmacies to develop and implement quality assurance programs to reduce medication errors. The bill also defines medication error and makes information generated by the quality assurance process exempt from discovery. Lastly, the bill requires the board to adopt regulations to implement the program.

A hearing before the Senate Business and Professions Committee is scheduled for Monday, April 10. Bob Elsner will represent the board at this hearing.

The committee considered proposed amendments from the California Retailers Association and the California Pharmacists Association that remove several provisions of the bill. The committee was agreeable to most of the amendments except a provision relating to the discovery exemption granted in the bill. The proposed amendments removed a sentence that permits individual patients to have access to their individual records after an error is included by the quality assurance process. The committee articulated a desire to preserve the existing right of an individual to his or her own personal records.

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

The committee reviewed the bill and recommended technical corrections. The committee also designated Richard Mazzone to represent the board at the April 11, 2000 meeting of the Assembly Health Committee which will consider the bill.

C. 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 emergency medical technician.

IV. Review of 2000 Bills.

A. AB 2240 (Bates) permits the electronic transmission of prescriptions. Permits the electronic transmission of controlled substance prescriptions when approved by the Drug Enforcement Administration, California Department of Justice, and the California Board of Pharmacy.

Committee Recommends: The board oppose AB 2240 unless amended to address board concerns related to record keeping, changes to records, controlled substances, and other implementation issues.

B. AB 2106 (Davis) imposes felony penalties with up to 6 years imprisonment for the possession of GHB precursors with the intent to manufacture GHB.

Committee Recommends: The board support AB 2106 because of the important public safety issue addressed.

C. AB 2294 (Davis) imposes labeling requirements for dietary supplements containing ephedrine.

Committee Recommends: The board support AB 2294 if amended to move the bill to a more appropriate location in the code.

D. SB 1828 (Speier) establishes increased penalties for violating the medical practice act and the Pharmacy law on the internet.

Committee Recommends: The board support SB 1828 if amended to address board concerns relating to the ability to impose the penalties through the board's citation and fine program.

E. AB 1759 (Papan) requires state agencies to post lists of all documents subject to the Public Records Act on their websites.

Committee Recommends: The board oppose AB 1759 unless amended to address board concerns relating to scope of documents required to be listed on the website.

F. AB 2329 (Ducheny) which declares that California recognizes the sovereignty of federally recognized Indian tribes.

Committee Recommends: The board oppose AB 2329 because it would prevent the regulation of pharmacies on tribal land that serve non-tribe members.

G. SB 1940 (Bowen) enacts the Pharmacy Records Privacy Act that restricts the use of pharmacy records.

Committee Recommends: The board oppose SB 1940 because of the barriers to effective care created in the bill.

The committee considered the following bills and determined that no action was needed at this time.

AB 1979 (Wesson) Pharmacy Technician Ratios
AB 1822 (Wayne) Administrative Procedures Act
AB 2100 (Dutra) Government Internet Strategy
AB 2439 (Wright) Administrative Procedures Act
AB 2480 (Baldwin) Fine Revenue
AB 2799 (Shelley) Disclosure of Public Records
SB 1601 (Perata) Medicare Drug Coverage
SB 1875 (Speier) Medication Errors
SB 1880 (Sher) Drug Coverage Study
SB 1889 (Figueroa) Internet Licensee Data
SB 1903 (Speier) Medical Information
SB 1922 (Speier) Prescription Copayments
SB 2075 (Speier) Drug Prices