

Introduced by Senator Lewis

February 11, 1998

An act to amend Sections 4019, 4077, and 4119 of the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1606, as introduced, Lewis. Pharmacy: automated drug delivery systems.

Existing law, the Pharmacy Law, provides for the licensing and regulation of the practice of pharmacy, under the jurisdiction of the California State Board of Pharmacy.

Existing law provides that an order entered on the chart or medical record of a patient registered in a hospital or a patient under emergency treatment in the hospital, by or on the order of a practitioner authorized by law to prescribe drugs is an authorization for the administration of the drug from hospital floor or ward stocks furnished by the hospital pharmacy or under licensure granted, as specified.

This bill would make that provision additionally applicable with respect to a patient in a health facility, defined to include convalescence and rehabilitation facilities. It would also authorize administration of the drug from an automated drug delivery system, and the furnishing of the drug by a consulting pharmacy, and would make related changes.

Existing law prohibits a pharmacist from dispensing any prescription except in a container that meets the requirements of state and federal law and is correctly labeled. Certain devices are exempted from that requirement.

This bill would additionally exempt over-the-counter drugs and drugs that bear a caution legend and are withdrawn from an automated drug delivery system that possesses certain patient safeguards.

Existing law authorizes a pharmacy to furnish a dangerous drug or dangerous device to a licensed health care facility for storage in a secured emergency pharmaceutical supplies container, and limits the number or oral dosage form and suppository form drugs in the emergency supply to 24.

This bill would provide that the limitation does not apply to an automated drug delivery system if the system provides for security and accountability and provides for a review of the medications for potential adverse drug reactions prior to their withdrawal from the system.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4019 of the Business and
 2 Professions Code is amended to read:
 3 4019. An “order,” entered on the chart or medical
 4 record of a patient registered in a hospital, *a patient in a*
 5 *health facility as defined in Section 1250 of the Health and*
 6 *Safety Code*, or a patient under emergency treatment in
 7 the hospital, by or on the order of a practitioner
 8 authorized by law to prescribe drugs, shall be
 9 authorization for the administration of the drug from
 10 hospital floor, *automated drug delivery system*, or ward
 11 stocks furnished by the hospital *or consulting* pharmacy
 12 or under licensure granted under Section 4056, and shall
 13 be considered to be a prescription if the medication is to
 14 be furnished directly to the patient by the hospital
 15 pharmacy, *consulting pharmacy*, or another pharmacy
 16 furnishing prescribed drugs for hospital *or health facility*
 17 patients; provided that the chart or medical record of the
 18 patient contains all of the information required by
 19 Sections 4040 and 4070 and the order is signed by the
 20 practitioner authorized by law to prescribe drugs, if he or
 21 she is present when the drugs are given, or if he or she is



1 not present, then on his or her next visit to the hospital *or*
2 *health facility.*

3 SEC. 2. Section 4077 of the Business and Professions
4 Code is amended to read:

5 4077. (a) Except as provided in subdivisions (b) and
6 (c), no person shall dispense any dangerous drug upon
7 prescription except in a container correctly labeled with
8 the information required by Section 4076.

9 (b) Physicians, dentists, podiatrists, and veterinarians
10 may personally furnish any dangerous drug prescribed by
11 them to the patient for whom prescribed, provided that
12 the drug is properly labeled to show all information
13 required in Section 4076 except the prescription number.

14 (c) Devices that bear the legend “Caution: federal law
15 restricts this device to sale by or on the order of a
16 _____,” or words of similar meaning, *or*
17 *over-the-counter drugs or drugs that bear the legend*
18 *“Caution: Federal law prohibits dispensing without a*
19 *prescription” or words of similar meaning if those drugs*
20 *are administered directly to the patient and withdrawn*
21 *from an automated drug delivery system that provides for*
22 *security and accountability of drug products and there is*
23 *a function which provides for a review of those*
24 *medications for potential adverse drug reactions prior to*
25 *their withdrawal from the system, and are exempt from*
26 the requirements of Section 4076, and Section 111480 of
27 the Health and Safety Code, when provided to patients
28 in skilled nursing facilities or intermediate care facilities
29 licensed pursuant to Chapter 2 (commencing with
30 Section 1250) of Division 2 of the Health and Safety Code.

31 (d) The following notification shall be affixed to all
32 quantities of dimethyl sulfoxide (DMSO) prescribed by
33 a physician, or dispensed by a pharmacy pursuant to the
34 order of a physician in California: “Warning: DMSO may
35 be hazardous to your health. Follow the directions of the
36 physician who prescribed the DMSO for you.”

37 (e) The label of any retail package of DMSO shall
38 include appropriate precautionary measures for proper
39 handling and first aid treatment and a warning statement
40 to keep the product out of reach of children.



1 SEC. 3. Section 4119 of the Business and Professions
2 Code is amended to read:
3 4119. Notwithstanding any other provision of law, a
4 pharmacy may furnish a dangerous drug or dangerous
5 device to a licensed health care facility for storage in a
6 secured emergency pharmaceutical supplies container
7 maintained within the facility in accordance with facility
8 regulations of the State Department of Health Services
9 set forth in Title 22 of the California Code of Regulations
10 and the requirements set forth in Section 1261.5 of the
11 Health and Safety Code. These emergency supplies shall
12 be approved by the facility's patient care policy
13 committee or pharmaceutical service committee and
14 shall be readily available to each nursing station. Section
15 1261.5 of the Health and Safety Code limits the number
16 of oral dosage form or suppository form drugs in these
17 emergency supplies to 24. *This limitation in terms of drug*
18 *quantities and dosage forms as set forth in Section 1261.5*
19 *shall not apply to an automated drug delivery system if*
20 *that system provides for security and accountability of*
21 *drug products and there is a function which provides for*
22 *a review of those medications for potential adverse drug*
23 *reactions prior to their withdrawal from the system.*

