Title 16. Board of Pharmacy
Proposed Language

Amend Section 1707.2 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1707.2 (a) A pharmacist shall provide oral consultation to his or her patient or the patient's agent in all care settings:

(1) upon request; or

(2) whenever the pharmacist deems it warranted in the exercise of his or her professional judgment.

(b)(1) In addition to the obligation to consult set forth in subsection (a), a pharmacist shall provide oral consultation to his or her patient or the patient's agent in any care setting in which the patient or agent is present:

(A) whenever the prescription drug has not previously been dispensed to a patient; or

(B) whenever a prescription drug not previously dispensed to a patient in the same dosage form, strength or with the same written directions, is dispensed by the pharmacy.

(2) When the patient or agent is not present (including but not limited to a prescription drug that was shipped by mail) a pharmacy shall ensure that the patient receives written notice:

(A) of his or her right to request consultation; and

(B) a telephone number from which the patient may obtain oral consultation from a pharmacist who has ready access to the patient's record.

(3) A pharmacist is not required by this subsection to provide oral consultation to an inpatient of a health care facility licensed pursuant to section 1250 of the Health and Safety Code, or to an inmate of an adult correctional facility or a juvenile detention facility, except upon the patient's discharge. A pharmacist is not obligated to consult about discharge medications if a health facility licensed pursuant to subdivision (a) or (b) of Health and Safety Code Section 1250 has implemented a written policy about discharge medications which meets the requirements of Business and Professions Code Section 4074.

(c) When oral consultation is provided, it shall include at least the following:

(1) directions for use and storage and the importance of compliance with directions; and

(2) precautions and relevant warnings, including common severe side or adverse effects or interactions that may be encountered.

(d) Whenever a pharmacist deems it warranted in the exercise of his or her professional judgment, oral consultation shall also include:

(1) the name and description of the medication;

(2) the route of administration, dosage form, dosage, and duration of drug therapy

(3) any special directions for use and storage;

(4) precautions for preparation and administration by the patient, including techniques for self-monitoring drug therapy;

(5) prescription refill information;

(6) therapeutic contraindications, avoidance of common severe side or adverse effects or known interactions, including serious potential interactions with known nonprescription medications and therapeutic contraindications and the action

required if such side or adverse effects or interactions or therapeutic contraindications are present or occur;

(7) action to be taken in the event of a missed dose.

(e) Notwithstanding the requirements set forth in subsection (a) and (b), a pharmacist is not required to provide oral consultation when a patient or the patient's agent refuses such consultation.

(f) In every pharmacy subject to the provisions of Business and Professions Code Section 4122, there shall be prominently posted in a place conspicuous to and readable by prescription drug consumers the following notice:

> "NOTICE TO CONSUMERS"
> At your request, this pharmacy will provide its current retail price of any prescription without obligation. You may request price information in person or by telephone.
>
> Ask your pharmacist if a lower-cost generic drug is available to fill your prescription.
>
> Prescription prices for the same drug vary from pharmacy to pharmacy. One reason for differences in price is differences in services provided.
>
> Before taking any prescription medicine, talk to your pharmacist; be sure you know:
>
> What is the name of the medicine and what does it do?
> How and when do I take it – and for how long? What if I miss a dose?
> What are the possible side effects and what should I do if they occur?
> Will the new medicine work safely with other medicines and herbal supplements I am taking?
> What foods, drinks or activities should I avoid while taking this medicine?
>
> Ask your pharmacist if you have additional questions.

<u>(g) In addition to the "NOTICE TO CONSUMERS" referred to in subdivision (f), every pharmacy subject to the provisions of Business and Professions Code §4122 shall prominently post in a place conspicuous to and readable by prescription drug consumers the following notice:</u>

> <u>Know your rights under California law concerning medicine and devices prescribed to you.</u>
>
> <u>You have the right to receive medicine and devices legally prescribed to you, unless:</u>
> <u>1. The medicine or device is not in stock in the pharmacy,</u>
> <u>2. The pharmacist, based upon his or her professional judgment determines providing the item:</u>
>
> - <u>is against the law,</u>
> - <u>could cause a harmful drug interaction, or</u>
> - <u>could have a harmful effect on your health</u>

This pharmacist may decline to fill your prescription for ethical, moral or religious reasons, but the pharmacy is required to help you get the prescription filled at this or another nearby pharmacy timely.

The pharmacy may decline to provide the medicine or device if it is not covered by your insurance or if you are unable to pay for the item or any copayment you owe.

If the pharmacy is unable to fill you prescription, you are entitled to have the prescription returned to you or transferred to another nearby pharmacy. Ask about our procedure to help you get a item that we don't have in stock.

Any questions? Ask the pharmacist!

Authority cited: Sections 4005 and 4122 Business and Professions Code. Reference: Sections 733, 4005 and 4122 Business and Professions Code.