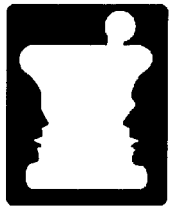
CALIFORNIA STATE BOARD OF PHARMACY
BILL ANALYSIS



BILL NUMBER: SB 963 **VERSION: As Amended on July 1, 2008**

AUTHOR: Ridley-Thomas **SPONSOR: BP& ED Committee**

BOARD POSITION: None

SUBJECT: Regulatory boards: Operations

EXISTING LAW

1. States that all existing and proposed consumer-related boards or categories of licensed professionals shall be subject to review every four years to evaluate whether each board has demonstrated a public need for continued existence.
2. Provides that in the event the board becomes inoperative and is repealed, the Department of Consumer Affairs (DCA) shall succeed the board with all the duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed.
3. Establishes the appointment of board members.
4. Establishes the authorization to appoint an executive officer.

THIS BILL WOULD

1. Require the board to post annually on its Web site the number of reports received that year for criminal convictions, judgments, settlements, or arbitration as well as claims paid by a professional liability insurer caused by a licensee's negligence, error or omission.
2. Provide the board with the authority to adopt regulations that provide an incentive to licensees to provide services within the scope of licensure, on a pro bono basis. The regulations could reduce the amount of renewal fee required for a licensee who demonstrates compliance with the pro bono requirements.
3. Allow the board to adopt regulations for the number of staff required to adequately investigate and if necessary bring a disciplinary action against a licensee and specify that the staff level shall at minimum be the number of staff per 1,000 persons regulated by the board and shall include the appropriate number of staff to complete all investigatory and disciplinary functions.
4. Require board members to disclose all ex parte communication at the board's next public meeting and that such communication will be recorded in the board's minutes. Defines "ex parte" communication.

5. Provide that if the terms of office of the members of the board are terminated, a successor board shall be appointed that shall succeed to, and be vested with, all the duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed. Specify that the number of board members will remain the same and designates the appointing authorities for new members.
6. Make subject to approval of the DCA director as well as confirmation of the Senate, the appointment of an executive officer.
7. Require the board to post on its Web site minutes from public meetings within 10 days of the date of the meeting.
8. Require the department to report to the Legislature and the Governor when a board has been unable to schedule or convene a meeting because of a lack of a quorum caused by the absence of its members or by a vacancy in its membership.
9. Specify that the term of office of each board member of the Board of Pharmacy shall terminate on January 1, 2011.
10. Require the board to submit a report to the Joint Committee on Boards, Commissions and Consumer Protection (Committee) no later than 22 months before the board membership is reconstituted and require public hearings before reconstitution of the board.
11. Require the Committee to recommend if the board's membership should be reconstituted.
12. Require the appropriate standing policy committee to investigate perceived deficiencies in the operation of the board and hold public hearings.

AUTHOR'S INTENT

According to the author's office, the intent of this legislation is to develop a more effective method of continuing state licensing and regulation when the Legislature reconstitutes a licensing board.

FISCAL IMPACT

The Board will incur a fiscal impact to complete the report and secure additional staff as allowed through regulation.

COMMENTS

Board staff is seeking clarification from the policy committee as well as the department on several of the provisions contained in this bill. It is our understanding that additional amendments will be incorporated to further define the process to reconstitute the board, should it occur.

In addition, there are a couple of items of concern:

1. Allowing only 10 days to post public meeting minutes on the board's Web site is not a reasonable time frame given the length of meetings, the complexity of the issues as well as turn around time for board members to vote on minutes. Moreover it eliminates the board's ability to review minutes.
2. The board could lose its ability to hire the executive officer of its choice, and rather this process could become very political in nature. Given the role of the executive officer, the board may want sole discretion in making this hiring decision.
3. A legislative mandate to allow the board adopt by regulation the personnel needed to complete all investigatory and disciplinary functions. The ratio suggested in the legislation is one staff per 1,000 persons regulated. These regulations would be required by 30, 2009.

HISTORY

Dates	Actions
07/01/08	July 1 Read second time. Amended. Re-referred to Com. on APPR.
06/30/08	June 30 From committee: Do pass as amended, but first amend, and re-refer to Com. on APPR. (Ayes 7. Noes 3.)
06/25/07	June 25 From committee with author's amendments. Read second time. Amended. Re-referred to Com. on B. & P.
06/21/07	June 21 To Com. on B. & P.
06/06/07	June 6 In Assembly. Read first time. Held at Desk.
06/06/07	June 6 Read third time. Passed. (Ayes 26. Noes 13. Page 1279.) To Assembly.
05/31/07	May 31 From committee: Do pass. (Ayes 10. Noes 4. Page 1224.) Read second time. To third reading.
05/25/07	May 25 Set for hearing May 31.
05/07/07	May 7 Placed on APPR. suspense file.
04/25/07	Apr. 25 Set for hearing May 7.
04/24/07	Apr. 24 From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 6. Noes 2. Page 706.) Re-referred to Com. on APPR.
04/16/07	Apr. 16 From committee with author's amendments. Read second time. Amended. Re-referred to Com. on B., P. & E.D.
03/29/07	Mar. 29 Set for hearing April 23.
03/15/07	Mar. 15 To Com. on B., P. & E.D.
02/26/07	Feb. 26 Read first time.
02/25/07	Feb. 25 From print. May be acted upon on or after March 27.
02/23/07	Feb. 23 Introduced. To Com. on RLS. for assignment. To print.

Revised July 2, 2008

AMENDED IN ASSEMBLY JUNE 9, 2008

AMENDED IN SENATE MAY 19, 2008

AMENDED IN SENATE MAY 6, 2008

AMENDED IN SENATE APRIL 22, 2008

AMENDED IN SENATE APRIL 10, 2008

AMENDED IN SENATE MARCH 27, 2008

SENATE BILL No. 1270

Introduced by Senator Cedillo

February 19, 2008

An act to add and repeal Section 4014 of the Business and Professions Code, relating to pharmacy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1270, as amended, Cedillo. Pharmacy: Electronic Pedigree Task Force.

Existing law, the Pharmacy Law, provides for the licensure and regulation of the practice of pharmacy and the sale of dangerous drugs or dangerous devices by the California State Board of Pharmacy, in the Department of Consumer Affairs. On and after January 1, 2009, existing law requires a pedigree, as defined, to accompany each distribution of a dangerous drug, and prohibits a wholesaler or pharmacy from selling, trading, transferring, or acquiring a dangerous drug without a pedigree. Existing law authorizes the board to extend the compliance date for these pedigree requirements to January 1, 2011, in specified circumstances.

This bill would require the board to establish the Electronic Pedigree Task Force, with a specified membership, and would require the staff of the board to support the needs of the task force. The bill would impose specified duties on the task force, including the duty to submit an annual report regarding task force findings to the board and specified legislative committees. The bill would make the provisions regarding the task force inoperative on the later of July 1, 2012, or the date upon which requirements for a pedigree become effective, and would repeal those provisions as of January 1 of the next year.

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

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

1 SECTION 1. Section 4014 is added to the Business and
2 Professions Code, to read:
3 4014. (a) The board shall establish the Electronic Pedigree
4 Task Force. The task force shall be comprised of the following
5 members, who shall serve voluntarily and without compensation:
6 (1) One member from the California Retailers Association.
7 (2) One member from the Health Systems Pharmacists
8 Association.
9 (3) One member from the California Pharmacists Association.
10 (4) One member from the California Primary Care Association.
11 (5) One member from the California Hospital Association.
12 (6) One member from the California State Association of
13 Counties.
14 (7) One member from ~~an animal veterinary association~~ *the*
15 *California Veterinary Medical Association.*
16 (8) One member from the Pharmaceutical Research and
17 Manufacturers of America.
18 (9) One member from the California Healthcare Institute, Inc.
19 (10) Two members from the Generic Pharmaceutical
20 Association.
21 (11) One member from the Healthcare Distribution Management
22 Association.
23 (12) One member from the Medical Device Manufacturers
24 Association.
25 (13) One member from the National Coalition of Pharmaceutical
26 Distributors.

(14) One member from the National Association of Chain Drug Stores.

(15) One member from the American Electronics Association.

(16) One member from BIOCOM.

(17) One member from the Biotechnology Industry Organization.

(b) Each group listed in subdivision (a) shall submit to the board, on or before February 1, 2009, the name of the member representing it on the task force.

(c) The task force shall hold no fewer than two public meetings per year at various locations within the state. A majority of members shall be present in order to conduct a meeting of the task force.

(d) The task force shall elect a chairperson and a vice chairperson.

(e) The task force shall have the following duties:

(1) To provide the board with updates regarding the status of task force member organizations with regard to implementing the statutory electronic pedigree requirements, including, but not limited to, providing the board with updates regarding the readiness of the entire pharmaceutical drug delivery supply chain.

(2) To notify the board of implementation challenges regarding electronic pedigree law.

(3) To submit an annual report to the board and to the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions regarding task force findings.

(f) The staff of the board shall support the needs of the task force.

(g) This section shall become inoperative on either July 1, 2012, or the date upon which the requirements for a pedigree set forth in Sections 4034 and 4163 become effective, as determined by the board, whichever is later, and, as of January 1 of the next year shall be repealed.

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CALIFORNIA STATE BOARD OF PHARMACY
BILL ANALYSIS

BILL NUMBER: SB 1270 **VERSION: As Amended June 9, 2008**

AUTHOR: Cedillo **SPONSOR: Pharmaceutical industry**

BOARD POSITION: None

SUBJECT: Pharmacy: dangerous drug and devices pedigree

EXISTING LAW:

1. On and after January 1, 2011 requires an electronic pedigree to accompany each distribution of a dangerous drug.
2. Prohibits a wholesaler or pharmacy from selling, trading, transferring, or acquiring a dangerous drug without a pedigree.
3. Provides exceptions from the pedigree requirements for certain transactions.

THIS BILL WOULD:

1. Would create an Electronic Pedigree Taskforce, consisting of specified representatives from the pharmaceutical industry drug supply chain, to provide the board with updates regarding industry readiness of the implementation on the pedigree requirement and the challenges thereof.
2. It also requires the task force to provide an annual report to the board and the Senate and Assembly policies committees with jurisdiction over the issue.

COMMENTS:

The board has held quarterly committee meetings and board meetings to provide a forum for industry to submit comments on implementation of this pedigree requirement.

This bill has been amended several times to clarify the membership of the task force.

SUPPORT/OPPOSITION

Support
Abbott

California Healthcare Institute
California Hospital Association
Pfizer, Inc.
Pharmaceutical Research and Manufacturers of America
Rite Aid
Teva Pharmaceuticals USA

Oppose
None on file

HISTORY:

Dates	Actions
06/25/08	June 25 From committee: Do pass, but first be re-referred to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 9. Noes 0.) Re-referred to Com. on APPR.
06/17/08	June 17 Set, first hearing. Hearing canceled at the request of author.
06/09/08	June 9 From committee with author's amendments. Read second time. Amended. Re-referred to Com. on B. & P.
05/28/08	May 28 To Com. on B. & P.
05/22/08	May 22 In Assembly. Read first time. Held at Desk.
05/22/08	May 22 Read third time. Passed. (Ayes 24. Noes 14. Page 3861.) To Assembly.
05/20/08	May 20 Read second time. To third reading.
05/19/08	May 19 Read third time. Amended. To second reading.
05/14/08	May 14 Read second time. To third reading.
05/13/08	May 13 From committee: Do pass. (Ayes 8. Noes 6. Page 3766.)
05/06/08	May 6 From committee with author's amendments. Read second time. Amended. Re-referred to Com. on APPR.
05/02/08	May 2 Set for hearing May 12.
04/22/08	Apr. 22 Read second time. Amended. Re-referred to Com. on APPR.
04/21/08	Apr. 21 From committee: Do pass as amended, but first amend, and re-refer to Com. on APPR. (Ayes 5. Noes 3. Page 3425.)
04/10/08	Apr. 10 From committee with author's amendments. Read second time. Amended. Re-referred to Com. on B., P. & E.D.
04/07/08	Apr. 7 Set, first hearing. Hearing canceled at the request of author. Set for hearing April 14.
03/27/08	Mar. 27 From committee with author's amendments. Read second time. Amended. Re-referred to Com. on B., P. & E.D.
03/13/08	Mar. 13 Set for hearing April 7.
02/28/08	Feb. 28 To Com. on B., P. & E.D.
02/20/08	Feb. 20 From print. May be acted upon on or after March 21.
02/19/08	Feb. 19 Introduced. Read first time. To Com. on RLS. for assignment. To print.

CALIFORNIA STATE BOARD OF PHARMACY
BILL ANALYSIS

BILL NUMBER: SB 1441 **VERSION: As Amended June 16, 2008**

AUTHOR: Ridley-Thomas **SPONSOR:**

BOARD POSITION:

SUBJECT: Healing Arts Practitioners: substance abuse

EXISTING LAW

1. Establishes boards and bureaus within the Department of Consumer Affairs (DCA) to license and regulate various professions
2. Requires several healing arts boards to establish and administer diversion programs for the rehabilitation of healing arts practitioners whose competency is impaired due to the abuse of drugs or alcohol.

THIS BILL WOULD

1. Make a number of findings and declarations regarding substance abuse and diversion programs.
2. State that it is the intent of the Legislature to require the Department of Consumer Affairs to conduct a thorough audit of the effectiveness, efficiency, and overall performance of the vendor chosen by the department to manage diversion programs for substance-abusing licensees of healthcare licensing boards and specify areas that must be covered during the audit.
3. Establish the Substance Abuse Coordination Committee within the Department of Consumer Affairs comprised of Executive Officers from each healing arts board and require the committee to formulate uniform and specific standards in specified areas that each healing arts board shall use in dealing with substance-abusing licensees including:
   - Clinical diagnostic evaluation
   - Temporary license removal
   - Communication between the licensee and the licensee's employer
   - Required testing
   - Group meeting attendance
   - Treatment
   - Worksite monitoring
   - Positive tests

- Ingestion of banned substances
- Consequences for major and minor violations
- Returning to practice
- License reinstatement

4. Require the committee to establish standards using a private-sector vendor for services.
5. Require the committee to develop measurable criteria and standards to determine whether each board's method of dealing with affected licensees protects patients from harm and is effective in assisting the licensee in recovery.
6. Transfer responsibilities from Diversion Evaluation Committees currently used by several boards to the program manager for each board.

AUTHOR'S INTENT

According to the author's office, "The intent of this bill is to protect the public by ensuring that, at minimum, a set of best practices or standards are adopted by health care related boards to deal with practitioners with alcohol or drug problems."

"SB 1441 is not attempting to dictate to [health-related boards] how to run their diversion programs, but instead sets parameters for the boards."

FISCAL IMPACT

The board does not anticipate any significant fiscal impact. Any minor impact could be absorbed within existing resources.

COMMENTS

This bill stems from concerns over the Medical Board's diversion program that has since been sunsetted.

SUPPORT/OPPOSITION

Support

Center for Public Interest Law

Oppose

None on file

HISTORY:

Dates	Actions
06/25/08	June 25 From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 9. Noes 0.) Re-referred to Com. on APPR.
06/16/08	June 16 From committee with author's amendments. Read second time. Amended. Re-referred to Com. on B. & P.
06/09/08	June 9 Re-referred to Com. on B. & P.
05/22/08	May 22 To Com. on HEALTH.
05/13/08	May 13 In Assembly. Read first time. Held at Desk.
05/12/08	May 12 Read third time. Passed. (Ayes 33. Noes 2. Page 3752.) To Assembly.
05/07/08	May 7 Read second time. Amended. To third reading.
05/06/08	May 6 From committee: Be placed on second reading file pursuant to Senate Rule 28.8 and be amended.
04/28/08	Apr. 28 Set for hearing May 5.
04/15/08	Apr. 15 From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 8. Noes 0. Page 3425.) Re-referred to Com. on APPR.
04/07/08	Apr. 7 From committee with author's amendments. Read second time. Amended. Re-referred to Com. on B., P. & E.D.
04/01/08	Apr. 1 Set for hearing April 14.
03/06/08	Mar. 6 To Com. on B., P. & E.D.
02/22/08	Feb. 22 From print. May be acted upon on or after March 23.
02/21/08	Feb. 21 Introduced. Read first time. To Com. on RLS. for assignment. To print.

AMENDED IN ASSEMBLY JUNE 16, 2008

AMENDED IN SENATE MAY 7, 2008

AMENDED IN SENATE APRIL 7, 2008

SENATE BILL No. 1441

Introduced by Senator Ridley-Thomas

February 21, 2008

An act *to amend Sections 1695.1, 1695.5, 1695.6, 1697, 1698, 2361, 2365, 2366, 2367, 2369, 2663, 2665, 2666, 2770.1, 2770.8, 2770.11, 2770.12, 3534.1, 3534.3, 3534.4, 3534.9 of, and* to add Article 3.6 (commencing with Section 315) to Chapter 4 of Division 1 of, the Business and Professions Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

SB 1441, as amended, Ridley-Thomas. Healing arts practitioners: ~~alcohol and drug~~ *substance* abuse.

Existing law requires various healing arts licensing boards, *including the Dental Board of California, the Board of Registered Nursing, the Physical Therapy Board of California, the Physician Assistant Committee, and the Osteopathic Medical Board of California,* to establish and administer diversion programs or diversion evaluation committees for the rehabilitation of healing arts practitioners whose competency is impaired due to the abuse of drugs or alcohol, *and gives the diversion evaluation committees certain duties related to termination of a license from the diversion program and reporting termination, designing treatment programs, denying participation in the program, reviewing activities and performance of contractors, determining completion of the program, and purging and destroying records, as specified.*

This bill would establish in the Department of Consumer Affairs the ~~Diversion Coordination~~ *Substance Abuse Coordination* Committee, which would be comprised of the executive officers of ~~those~~ *the department's* healing arts licensing boards, as specified~~, that establish and maintain a diversion program or diversion evaluation committee, and would establish in the department the Licensee Drug and Alcohol Addiction Coordination Committee, which would be comprised of the executive officers of all other healing arts licensing boards~~. The bill would require ~~these committees to meet periodically at the discretion of the department and to each issue~~ *the committee to formulate*, no later than January 1, 2010, ~~a set of best practices and recommendations, as specified~~ *uniform and specific standards in specified areas that each healing arts board would be required to use in dealing with substance-abusing licensees. The bill would specify that the program managers of the diversion programs for the Dental Board of California, the Board of Registered Nursing, the Physical Therapy Board of California, the Physician Assistant Committee, and the Osteopathic Medical Board of California, as designated by the executive officers of those entities, are responsible for certain duties previously assigned to the diversion evaluation committees under those programs, including, as specified, duties related to termination of a licensee from the diversion program and reporting termination, designing treatment programs, denying participation in the program, reviewing activities and performance of contractors, determining completion of the program, and purging and destroying records. The bill would also provide that diversion evaluation committees created by any of the specified boards or committees operate in an advisory role to the program manager of the diversion program, and would require those diversion evaluation committees to make certain recommendations to the program managers.*

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

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

1 *SECTION 1. The Legislature hereby finds and declares all of*
2 *the following:*
3 *(a) Substance abuse is an increasing problem in the health care*
4 *professions, where the impairment of a health care practitioner*
5 *for even one moment can mean irreparable harm to a patient.*

(b) Several health care licensing boards have "diversion programs" designed to identify substance-abusing licensees, direct them to treatment and monitoring, and return them to practice in a manner that will not endanger the public health and safety.

(c) Substance abuse monitoring programs, particularly for health care professionals, must operate with the highest level of integrity and consistency. Patient protection is paramount.

(d) The diversion program of the Medical Board of California, created in 1981, has been subject to five external performance audits in its 27-year history and has failed all five audits, which uniformly concluded that the program has inadequately monitored substance-abusing physicians and has failed to promptly terminate from the program, and appropriately refer for discipline, physicians who do not comply with the terms and conditions of the program, thus placing patients at risk of harm.

(e) The medical board's diversion program has failed to protect patients from substance-abusing physicians, and the medical board has properly decided to cease administering the program effective June 30, 2008.

(f) The administration of diversion programs created at other health care boards has been contracted to a series of private vendors, and none of those vendors has ever been subject to a performance audit, such that it is not possible to determine whether those programs are effective in monitoring substance-abusing licensees and assisting them to recover from their addiction in the long term.

(g) Various health care licensing boards have inconsistent or nonexistent standards that guide the way they deal with substance-abusing licensees.

(h) Patients would be better protected from substance-abusing licensees if their regulatory boards agreed to and enforced consistent and uniform standards and best practices in dealing with substance-abusing licensees.

SEC. 2. It is the intent of the Legislature that:

(a) Pursuant to Section 156.1 of the Business and Professions Code and Section 8546.7 of the Government Code, that the Department of Consumer Affairs conduct a thorough audit of the effectiveness, efficiency, and overall performance of the vendor chosen by the department to manage diversion programs for substance-abusing licensees of health care licensing boards created

in the Business and Professions Code, and make recommendations regarding the continuation of the programs and any changes or reforms required to ensure that individuals participating in the programs are appropriately monitored, and the public is protected from health care practitioners who are impaired due to alcohol or drug abuse or mental or physical illness.

(b) The audit shall identify, by type of board licensee, the percentage of self-referred participants, board-referred participants, and board-ordered participants. The audit shall describe in detail the diversion services provided by the vendor, including all aspects of bodily fluids testing, including, but not limited to, frequency of testing, randomnicity, method of notice to participants, number of hours between the provision of notice and the test, standards for specimen collectors, procedures used by specimen collectors, such as whether the collection process is observed by the collector, location of testing, and average timeframe from the date of the test to the date the result of the test becomes available; group meeting attendance requirements, including, but not limited to, required qualifications for group meeting facilitators, frequency of required meeting attendance, and methods of documenting and reporting attendance or nonattendance by program participants; standards used in determining whether inpatient or outpatient treatment is necessary; and, if applicable, worksite monitoring requirements and standards. The audit shall review the timeliness of diversion services provided by the vendor; the thoroughness of documentation of treatment, aftercare, and monitoring services received by participants; and the thoroughness of documentation of the effectiveness of the treatment and aftercare services received by participants. In determining the effectiveness and efficiency of the vendor, the audit shall evaluate the vendor's approval process for providers or contractors that provide diversion services, including specimen collectors, group meeting facilitators, and worksite monitors; the vendor's disapproval of providers or contractors that fail to provide effective or timely diversion services; and the vendor's promptness in notifying the boards when a participant fails to comply with the terms of his or her diversion contract or the rules of the board's program. The audit shall also recommend whether the vendor should be more closely monitored by the department, including whether the vendor should

provide the department with periodic reports demonstrating the timeliness and thoroughness of documentation of noncompliance with diversion program contracts and regarding its approval and disapproval of providers and contractors that provide diversion services.

(c) The vendor and its staff shall cooperate with the department and shall provide data, information, and case files as requested by the department to perform all of his or her duties. The provision of confidential data, information, and case files from health care-related boards and the vendor to the department shall not constitute a waiver of any exemption from disclosure or discovery or of any confidentiality protection or privilege otherwise provided by law that is applicable to the data, information, or case files. It is the Legislature's intent that the audit be completed by June 30, 2010, and on subsequent years thereafter as determined by the department.

SEC. 3. Article 3.6 (commencing with Section 315) is added to Chapter 4 of Division 1 of the Business and Professions Code, to read:

Article 3.6. Uniform Standards Regarding Substance-Abusing Healing Arts Licensees

315. (a) For the purpose of determining uniform standards that will be used by healing arts boards in dealing with substance-abusing licensees, there is established in the Department of Consumer Affairs the Substance Abuse Coordination Committee. The committee shall be comprised of the executive officers of the department's healing arts boards established pursuant to Division 2 (commencing with Section 500), the State Board of Chiropractic Examiners, and the Osteopathic Medical Board of California. The Director of Consumer Affairs shall chair the committee.

(b) The committee shall be subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Division 3 of Title 2 of the Government Code).

(c) By January 1, 2010, the committee shall formulate uniform and specific standards in each of the following areas that each healing arts board shall use in dealing with substance-abusing licensees, whether or not a board chooses to have a formal diversion program:

(1) Specific requirements for a clinical diagnostic evaluation of the licensee, including, but not limited to, required qualifications for the providers evaluating the licensee.

(2) Specific requirements for the temporary removal of the licensee from practice, in order to enable the licensee to undergo the clinical diagnostic evaluation described in subdivision (a) and any treatment recommended by the evaluator described in subdivision (a) and approved by the board, and specific criteria that the licensee must meet before being permitted to return to practice on a full-time or part-time basis.

(3) Specific requirements that govern the ability of the licensing board to communicate with the licensee's employer about the licensee's status and condition.

(4) Standards governing all aspects of required testing, including, but not limited to, frequency of testing, randomnicity, method of notice to the licensee, number of hours between the provision of notice and the test, standards for specimen collectors, procedures used by specimen collectors, the permissible locations of testing, whether the collection process must be observed by the collector, back-up testing requirements when the licensee is on vacation or otherwise unavailable for local testing, requirements for the laboratory that analyzes the specimens, and the required maximum timeframe from the test to the receipt of the result of the test.

(5) Standards governing all aspects of group meeting attendance requirements, including, but not limited to, required qualifications for group meeting facilitators, frequency of required meeting attendance, and methods of documenting and reporting attendance or nonattendance by licensees.

(6) Standards used in determining whether inpatient, outpatient, or other type of treatment is necessary.

(7) Worksite monitoring requirements and standards, including, but not limited to, required qualifications of worksite monitors, required methods of monitoring by worksite monitors, and required reporting by worksite monitors.

(8) Procedures to be followed when a licensee tests positive for a banned substance.

(9) Procedures to be followed when a licensee is confirmed to have ingested a banned substance.

(10) Specific consequences for major violations and minor violations. In particular, the committee shall consider the use of a "deferred prosecution" stipulation similar to the stipulation described in Section 1000 of the Penal Code, in which the licensee admits to self-abuse of drugs or alcohol and surrenders his or her license. That agreement is deferred by the agency unless or until the licensee commits a major violation, in which case it is revived and the license is surrendered.

(11) Criteria that a licensee must meet in order to petition for return to practice on a full-time basis.

(12) Criteria that a licensee must meet in order to petition for reinstatement of a full and unrestricted license.

(13) If a board uses a private-sector vendor that provides diversion services, standards for immediate reporting by the vendor to the board of any and all noncompliance with any term of the diversion contract or probation; standards for the vendor's approval process for providers or contractors that provide diversion services, including, but not limited to, specimen collectors, group meeting facilitators, and worksite monitors; standards requiring the vendor to disapprove and discontinue the use of providers or contractors that fail to provide effective or timely diversion services; and standards for a licensee's termination from the program and referral to enforcement.

(14) If a board uses a private-sector vendor that provides diversion services, the extent to which licensee participation in that program shall be kept confidential from the public.

(15) If a board uses a private-sector vendor that provides diversion services, a schedule for external independent audits of the vendor's performance in adhering to the standards adopted by the committee.

(16) Measurable criteria and standards to determine whether each board's method of dealing with substance-abusing licensees protects patients from harm and is effective in assisting its licensees in recovering from substance abuse in the long term.

SEC. 4. Section 1695.1 of the Business and Professions Code is amended to read:

1695.1. As used in this article:

(a) "Board" means the Board of Dental Examiners of California.

(b) "Committee" means a diversion evaluation committee created by this article.

(c) "Program manager" means the staff manager of the diversion program, as designated by the executive officer of the board.

SEC. 5. Section 1695.5 of the Business and Professions Code is amended to read:

1695.5. (a) The board shall establish criteria for the acceptance, denial, or termination of licentiates in a diversion program. Unless ordered by the board as a condition of licentiate disciplinary probation, only those licentiates who have voluntarily requested diversion treatment and supervision by a committee shall participate in a diversion program.

(b) A licentiate who is not the subject of a current investigation may self-refer to the diversion program on a confidential basis, except as provided in subdivision (f).

(c) A licentiate under current investigation by the board may also request entry into the diversion program by contacting the board's Diversion Program Manager. The Diversion Program Manager may refer the licentiate requesting participation in the program to a diversion evaluation committee for evaluation of eligibility. Prior to authorizing a licentiate to enter into the diversion program, the Diversion Program Manager may require the licentiate, while under current investigation for any violations of the Dental Practice Act or other violations, to execute a statement of understanding that states that the licentiate understands that his or her violations of the Dental Practice Act or other statutes that would otherwise be the basis for discipline, may still be investigated and the subject of disciplinary action.

(d) If the reasons for a current investigation of a licentiate are based primarily on the self-administration of any controlled substance or dangerous drugs or alcohol under Section 1681 of the Business and Professions Code, or the illegal possession, prescription, or nonviolent procurement of any controlled substance or dangerous drugs for self-administration that does not involve actual, direct harm to the public, the board shall close the investigation without further action if the licentiate is accepted into the board's diversion program and successfully completes the requirements of the program. If the licentiate withdraws or is terminated from the program by ~~a diversion evaluation committee~~ *the program manager*, the investigation shall be reopened and

disciplinary action imposed, if warranted, as determined by the board.

(e) Neither acceptance nor participation in the diversion program shall preclude the board from investigating or continuing to investigate, or taking disciplinary action or continuing to take disciplinary action against, any licentiate for any unprofessional conduct committed before, during, or after participation in the diversion program.

(f) All licentiates shall sign an agreement of understanding that the withdrawal or termination from the diversion program at a time when ~~a diversion evaluation committee~~ *the program manager* determines the licentiate presents a threat to the public's health and safety shall result in the utilization by the board of diversion treatment records in disciplinary or criminal proceedings.

(g) Any licentiate terminated from the diversion program for failure to comply with program requirements is subject to disciplinary action by the board for acts committed before, during, and after participation in the diversion program. A licentiate who has been under investigation by the board and has been terminated from the diversion program by ~~a diversion evaluation committee~~ *the program manager* shall be reported by the ~~diversion evaluation committee~~ *program manager* to the board.

SEC. 6. Section 1695.6 of the Business and Professions Code is amended to read:

1695.6. *A committee created under this article operates in an advisory role to the diversion program manager.* Each committee shall have the following duties and responsibilities:

(a) To evaluate those licentiates who request to participate in the diversion program according to the guidelines prescribed by the board and to *make recommendations to the program manager. In making the recommendations, a committee shall* consider the recommendations of any licentiates designated by the board to serve as consultants on the admission of the licentiate to the diversion program.

(b) To review and designate those treatment facilities to which licentiates in a diversion program may be referred, *and make recommendations to the program manager.*

(c) To receive and review information concerning a licentiate participating in the program.

(d) To consider in the case of each licentiate participating in a program whether he or she may with safety continue or resume the practice of dentistry, *and make recommendations to the program manager.*

(e) To perform such other related duties, *in an advisory capacity,* as the board may by regulation require.

SEC. 7. Section 1697 of the Business and Professions Code is amended to read:

1697. Each licentiate who requests participation in a diversion program shall agree to cooperate with the treatment program designed by ~~a committee~~ *the program manager* and to bear all costs related to the program, unless the cost is waived by the board. Any failure to comply with the provisions of a treatment program may result in termination of the licentiate's participation in a program.

SEC. 8. Section 1698 of the Business and Professions Code is amended to read:

1698. (a) After ~~a committee~~ *the program manager* in ~~its~~ *his or her* discretion has determined that a licentiate has been rehabilitated and the diversion program is completed, the ~~committee~~ *program manager* shall purge and destroy all records pertaining to the licentiate's participation in a diversion program.

(b) Except as authorized by subdivision (f) of Section 1695.5, all board and committee records and records of proceedings pertaining to the treatment of a licentiate in a program shall be kept confidential and are not subject to discovery or subpoena.

SEC. 9. Section 2361 of the Business and Professions Code is amended to read:

2361. As used in this article:

(a) "Board" means the Osteopathic Medical Board of California.

(b) "Diversion program" means a treatment program created by this article for osteopathic physicians and surgeons whose competency may be threatened or diminished due to abuse of drugs or alcohol.

(c) "Committee" means a diversion evaluation committee created by this article.

(d) "Participant" means a California licensed osteopathic physician and surgeon.

(e) "Program manager" means the staff manager of the diversion program, as designated by the executive officer of the board.

SEC. 10. Section 2365 of the Business and Professions Code is amended to read:

2365. (a) The board shall establish criteria for the acceptance, denial, or termination of participants in the diversion program. Unless ordered by the board as a condition of disciplinary probation, only those participants who have voluntarily requested diversion treatment and supervision by a committee shall participate in the diversion program.

(b) A participant who is not the subject of a current investigation may self-refer to the diversion program on a confidential basis, except as provided in subdivision (f).

(c) A participant under current investigation by the board may also request entry into the diversion program by contacting the board's Diversion Program Manager. The Diversion Program Manager may refer the participant requesting participation in the program to a diversion evaluation committee for evaluation of eligibility. Prior to authorizing a licentiate to enter into the diversion program, the Diversion Program Manager may require the licentiate, while under current investigation for any violations of the Medical Practice Act or other violations, to execute a statement of understanding that states that the licentiate understands that his or her violations of the Medical Practice Act or other statutes that would otherwise be the basis for discipline may still be investigated and the subject of disciplinary action.

(d) If the reasons for a current investigation of a participant are based primarily on the self-administration of any controlled substance or dangerous drugs or alcohol under Section 2239, or the illegal possession, prescription, or nonviolent procurement of any controlled substance or dangerous drugs for self-administration that does not involve actual, direct harm to the public, the board may close the investigation without further action if the licentiate is accepted into the board's diversion program and successfully completes the requirements of the program. If the participant withdraws or is terminated from the program by ~~a diversion evaluation committee~~ *the program manager*, the investigation may be reopened and disciplinary action imposed, if warranted, as determined by the board.

(e) Neither acceptance nor participation in the diversion program shall preclude the board from investigating or continuing to investigate, or taking disciplinary action or continuing to take disciplinary action against, any participant for any unprofessional conduct committed before, during, or after participation in the diversion program.

(f) All participants shall sign an agreement of understanding that the withdrawal or termination from the diversion program at a time when ~~a diversion evaluation committee~~ *the program manager* determines the licentiate presents a threat to the public's health and safety shall result in the utilization by the board of diversion treatment records in disciplinary or criminal proceedings.

(g) Any participant terminated from the diversion program for failure to comply with program requirements is subject to disciplinary action by the board for acts committed before, during, and after participation in the diversion program. A participant who has been under investigation by the board and has been terminated from the diversion program by ~~a diversion evaluation committee~~ *the program manager* shall be reported by the ~~diversion evaluation committee~~ *program manager* to the board.

SEC. 11. Section 2366 of the Business and Professions Code is amended to read:

2366. *A committee created under this article operates in an advisory role to the diversion program manager.* Each committee shall have the following duties and responsibilities:

(a) To evaluate those licensees who request participation in the program according to the guidelines prescribed by the board, *and to make recommendations to the program manager.*

(b) To review and designate those treatment facilities and services to which a participant in the program may be referred, *and to make recommendations to the program manager.*

(c) To receive and review information concerning participants in the program.

(d) To consider whether each participant in the treatment program may safely continue or resume the practice of medicine, *and to make recommendations to the program manager.*

(e) To prepare quarterly reports to be submitted to the board, which include, but are not limited to, information concerning the number of cases accepted, denied, or terminated with compliance or noncompliance and a cost analysis of the program.

(f) To promote the program to the public and within the profession, including providing all current licentiates with written information concerning the program.

(g) To perform such other related duties as the board may by regulation require.

SEC. 12. Section 2367 of the Business and Professions Code is amended to read:

2367. (a) Each licensee who requests participation in a treatment program shall agree to cooperate with the treatment program designed by the ~~committee~~ *program manager*. The committee shall inform each participant in the program of the procedures followed, the rights and responsibilities of the participant, and the possible results of noncompliance with the program. Any failure to comply with the treatment program may result in termination of participation.

(b) Participation in a program under this article shall not be a defense to any disciplinary action which may be taken by the board. Further, no provision of this article shall preclude the board from commencing disciplinary action against a licensee who is terminated from a program established pursuant to this article.

SEC. 13. Section 2369 of the Business and Professions Code is amended to read:

2369. (a) After ~~a committee~~ *the program manager*, in ~~its~~ *his or her* discretion, has determined that a participant has been rehabilitated and the program is completed, the ~~committee~~ *program manager* shall purge and destroy all records pertaining to the participation in a treatment program.

(b) Except as authorized by subdivision (f) of Section 2365, all board and committee records and records of proceedings pertaining to the treatment of a participant in a program shall be confidential and are not subject to discovery or subpoena except in the case of discovery or subpoena in any criminal proceeding.

SEC. 14. Section 2663 of the Business and Professions Code is amended to read:

2663. The board shall establish and administer a diversion program for the rehabilitation of physical therapists and physical therapist assistants whose competency is impaired due to the abuse of drugs or alcohol. The board may contract with any other state agency or a private organization to perform its duties under this article. The board may establish one or more diversion evaluation

committees to assist it in carrying out its duties under this article. *Any diversion evaluation committee established by the board shall operate in an advisory role to the diversion program manager, as designated by the executive officer of the board.*

SEC. 15. Section 2665 of the Business and Professions Code is amended to read:

2665. Each diversion evaluation committee has the following duties and responsibilities:

(a) ~~The evaluation of~~ *To evaluate* physical therapists and physical therapist assistants who request participation in the program and ~~the consideration of~~ *to make recommendations to the program manager. In making recommendations, the committee shall consider* any recommendations from professional consultants on the admission of applicants to the diversion program.

(b) ~~The~~ *To* review and designation of treatment facilities to which physical therapists and physical therapist assistants in the diversion program may be referred, *and to make recommendations to the program manager.*

(c) The receipt and review of information concerning physical therapists and physical therapist assistants participating in the program.

(d) Calling meetings as necessary to consider the requests of physical therapists and physical therapist assistants to participate in the diversion program, to consider reports regarding participants in the program, and to consider any other matters referred to it by the board.

(e) ~~The consideration of~~ *To consider* whether each participant in the diversion program may with safety continue or resume the practice of physical therapy, *and to make recommendations to the program manager.*

(f) ~~Setting forth in writing a treatment program for each participant in the diversion program with requirements for supervision and surveillance.~~ *To make recommendations to the program manager regarding the terms and conditions of the diversion agreement for each physical therapist and physical therapist assistant participating in the program, including treatment, supervision, and monitoring requirements.*

(g) Holding a general meeting at least twice a year, which shall be open and public, to evaluate the diversion program's progress,

to prepare reports to be submitted to the board, and to suggest proposals for changes in the diversion program.

(h) For the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, any member of a diversion evaluation committee shall be considered a public employee. No board or diversion evaluation committee member, contractor, or agent thereof, shall be liable for any civil damage because of acts or omissions which may occur while acting in good faith in a program established pursuant to this article.

SEC. 16. Section 2666 of the Business and Professions Code is amended to read:

2666. (a) Criteria for acceptance into the diversion program shall include all of the following:

(1) The applicant shall be licensed as a physical therapist or approved as a physical therapist assistant by the board and shall be a resident of California.

(2) The applicant shall be found to abuse dangerous drugs or alcoholic beverages in a manner which may affect his or her ability to practice physical therapy safely or competently.

(3) The applicant shall have voluntarily requested admission to the program or shall be accepted into the program in accordance with terms and conditions resulting from a disciplinary action.

(4) The applicant shall agree to undertake any medical or psychiatric examination ordered to evaluate the applicant for participation in the program.

(5) The applicant shall cooperate with the program by providing medical information, disclosure authorizations, and releases of liability as may be necessary for participation in the program.

(6) The applicant shall agree in writing to cooperate with all elements of the treatment program designed for him or her.

Any applicant may be denied participation in the program if the board~~, its designee, or a diversion evaluation committee, as the case may be,~~ *or the program manager* determines that the applicant will not substantially benefit from participation in the program or that the applicant's participation in the program creates too great a risk to the public health, safety, or welfare.

(b) A participant may be terminated from the program for any of the following reasons:

(1) The participant has successfully completed the treatment program.

(2) The participant has failed to comply with the treatment program designated for him or her.

(3) The participant fails to meet any of the criteria set forth in subdivision (a) or (c).

(4) It is determined that the participant has not substantially benefited from participation in the program or that his or her continued participation in the program creates too great a risk to the public health, safety, or welfare. Whenever an applicant is denied participation in the program or a participant is terminated from the program for any reason other than the successful completion of the program, and it is determined that the continued practice of physical therapy by that individual creates too great a risk to the public health, safety, and welfare, that fact shall be reported to the executive officer of the board and all documents and information pertaining to and supporting that conclusion shall be provided to the executive officer. The matter may be referred for investigation and disciplinary action by the board. Each physical therapist or physical therapy assistant who requests participation in a diversion program shall agree to cooperate with the recovery program designed for him or her. Any failure to comply with that program may result in termination of participation in the program.

The diversion evaluation committee shall inform each participant in the program of the procedures followed in the program, of the rights and responsibilities of a physical therapist or physical therapist assistant in the program, and the possible results of noncompliance with the program.

(c) In addition to the criteria and causes set forth in subdivision (a), the board may set forth in its regulations additional criteria for admission to the program or causes for termination from the program.

SEC. 17. Section 2770.1 of the Business and Professions Code is amended to read:

2770.1. As used in this article:

(a) "Board" means the Board of Registered Nursing.

(b) "Committee" means a diversion evaluation committee created by this article.

(c) "Program manager" means the staff manager of the diversion program, as designated by the executive officer of the board.

SEC. 18. Section 2770.8 of the Business and Professions Code is amended to read:

2770.8. *A committee created under this article operates in an advisory role to the diversion program manager.* Each committee shall have the following duties and responsibilities:

(a) To evaluate those registered nurses who request participation in the program according to the guidelines prescribed by the board, *and to make recommendations to the program manager.*

(b) To review and designate those treatment services to which registered nurses in a diversion program may be referred, *and to make recommendations to the program manager.*

(c) To receive and review information concerning a registered nurse participating in the program.

(d) To consider in the case of each registered nurse participating in a program whether he or she may with safety continue or resume the practice of nursing, *and to make recommendations to the program manager.*

(e) To call meetings as necessary to consider the requests of registered nurses to participate in a diversion program, and to consider reports regarding registered nurses participating in a program.

(f) ~~To set forth in writing for each registered nurse participating in a program a rehabilitation program established for that registered nurse with the requirements for supervision and surveillance.~~ *To make recommendations to the program manager regarding the terms and conditions of the diversion agreement for each registered nurse participating in the program, including treatment, supervision, and monitoring requirements.*

SEC. 19. Section 2770.11 of the Business and Professions Code is amended to read:

2770.11. (a) Each registered nurse who requests participation in a diversion program shall agree to cooperate with the rehabilitation program designed by ~~a committee~~ *the program manager.* Any failure to comply with the provisions of a rehabilitation program may result in termination of the registered nurse's participation in a program. The name and license number of a registered nurse who is terminated for any reason, other than successful completion, shall be reported to the board's enforcement program.

(b) If ~~a committee~~ *the program manager* determines that a registered nurse, who is denied admission into the program or terminated from the program, presents a threat to the public or his or her own health and safety, the ~~committee~~ *program manager* shall report the name and license number, along with a copy of all diversion records for that registered nurse, to the board's enforcement program. The board may use any of the records it receives under this subdivision in any disciplinary proceeding.

SEC. 20. Section 2770.12 of the Business and Professions Code is amended to read:

2770.12. (a) After ~~a committee~~ *the program manager* in ~~its~~ *his or her* discretion has determined that a registered nurse has successfully completed the diversion program, all records pertaining to the registered nurse's participation in the diversion program shall be purged.

(b) All board and committee records and records of a proceeding pertaining to the participation of a registered nurse in the diversion program shall be kept confidential and are not subject to discovery or subpoena, except as specified in subdivision (b) of Section 2770.11 and subdivision (c).

(c) A registered nurse shall be deemed to have waived any rights granted by any laws and regulations relating to confidentiality of the diversion program, if he or she does any of the following:

(1) Presents information relating to any aspect of the diversion program during any stage of the disciplinary process subsequent to the filing of an accusation, statement of issues, or petition to compel an examination pursuant to Article 12.5 (commencing with Section 820) of Chapter 1. The waiver shall be limited to information necessary to verify or refute any information disclosed by the registered nurse.

(2) Files a lawsuit against the board relating to any aspect of the diversion program.

(3) Claims in defense to a disciplinary action, based on a complaint that led to the registered nurse's participation in the diversion program, that he or she was prejudiced by the length of time that passed between the alleged violation and the filing of the accusation. The waiver shall be limited to information necessary to document the length of time the registered nurse participated in the diversion program.

SEC. 21. Section 3534.1 of the Business and Professions Code is amended to read:

3534.1. The examining committee shall establish and administer a diversion program for the rehabilitation of physician assistants whose competency is impaired due to the abuse of drugs or alcohol. The examining committee may contract with any other state agency or a private organization to perform its duties under this article. The examining committee may establish one or more diversion evaluation committees to assist it in carrying out its duties under this article. As used in this article, "committee" means a diversion evaluation committee. *A committee created under this article operates in an advisory role to the diversion program manager, as designated by the executive officer of the examining committee.*

SEC. 22. Section 3534.3 of the Business and Professions Code is amended to read:

3534.3. Each committee has the following duties and responsibilities:

(a) ~~The evaluation of~~ *To evaluate* physician assistants who request participation in the program and to *make recommendations to the program manager. In making recommendations, a committee shall* consider any recommendations from professional consultants on the admission of applicants to the diversion program.

(b) ~~The review and designation of~~ *To review and designate* treatment facilities to which physician assistants in the diversion program may be referred*, and to make recommendations to the program manager.*

(c) The receipt and review of information concerning physician assistants participating in the program.

(d) To call meetings as necessary to consider the requests of physician assistants to participate in the diversion program, to consider reports regarding participants in the program, and to consider any other matters referred to it by the examining committee.

(e) ~~The consideration of~~ *To consider* whether each participant in the diversion program may with safety continue or resume the practice of medicine*, and to make recommendations to the program manager.*

(f) ~~To set forth in writing a treatment program for each participant in the diversion program with requirements for~~

~~supervision and surveillance.~~ *To make recommendations to the program manager regarding the terms and conditions of the diversion agreement for each physician assistant participating in the program, including treatment, supervision, and monitoring requirements.*

(g) To hold a general meeting at least twice a year, which shall be open and public, to evaluate the diversion program's progress, to prepare reports to be submitted to the examining committee, and to suggest proposals for changes in the diversion program.

(h) For the purposes of Division 3.6 (commencing with Section 810) of Title 1 of the Government Code, any member of a committee shall be considered a public employee. No examining committee or committee member, contractor, or agent thereof, shall be liable for any civil damage because of acts or omissions which may occur while acting in good faith in a program established pursuant to this article.

SEC. 23. Section 3534.4 of the Business and Professions Code is amended to read:

3534.4. Criteria for acceptance into the diversion program shall include all of the following: (a) the applicant shall be licensed as a physician assistant by the examining committee and shall be a resident of California; (b) the applicant shall be found to abuse dangerous drugs or alcoholic beverages in a manner which may affect his or her ability to practice medicine safely or competently; (c) the applicant shall have voluntarily requested admission to the program or shall be accepted into the program in accordance with terms and conditions resulting from a disciplinary action; (d) the applicant shall agree to undertake any medical or psychiatric examination ordered to evaluate the applicant for participation in the program; (e) the applicant shall cooperate with the program by providing medical information, disclosure authorizations, and releases of liability as may be necessary for participation in the program; and (f) the applicant shall agree in writing to cooperate with all elements of the treatment program designed for him or her.

An applicant may be denied participation in the program if the examining committee~~, its delegatee, or a committee, as the case may be,~~ *or the program manager* determines that the applicant will not substantially benefit from participation in the program or

that the applicant's participation in the program creates too great a risk to the public health, safety, or welfare.

SEC. 24. Section 3534.9 of the Business and Professions Code is amended to read:

3534.9. If the examining committee contracts with any other entity to carry out this section, the executive officer of the examining committee~~, or his or her delegatee,~~ *or the program manager* shall review the activities and performance of the contractor on a biennial basis. As part of this review, the examining committee shall review files of participants in the program. However, the names of participants who entered the program voluntarily shall remain confidential, except when the review reveals misdiagnosis, case mismanagement, or noncompliance by the participant.

~~SECTION 1. Article 3.6 (commencing with Section 315) is added to Chapter 4 of Division 1 of the Business and Professions Code, to read:~~

~~Article 3.6 Healing Arts Licensee Addiction and Diversion~~

~~315. (a) There is established in the Department of Consumer Affairs the Diversion Coordination Committee. The committee shall be comprised of the executive officers of those healing arts licensing boards within the department that establish and maintain diversion programs or diversion evaluation committees. The Director of Consumer Affairs shall act as the chair of the committee.~~

~~(b) The committee shall meet periodically at the discretion of the director and shall, no later than January 1, 2010, issue a set of best practices and recommendations to govern those healing arts licensing boards' diversion programs or diversion evaluation committees. These recommendations shall propose best practices, regulations, or changes in law, as are necessary, and shall include, but shall not be limited to, recommendations addressing all of the following issues:~~

~~(1) When a licensee is to be irrevocably terminated from the diversion program and referred for disciplinary action.~~

~~(2) Periodic audits of the program.~~

~~(3) Whether a licensee enrolled in the program who may pose a risk to patients may continue to practice while in the program without the knowledge or consent of patients.~~

~~(4) How best to ensure that drug tests are random, accurate, and reliable, and that results for those tests are obtained quickly.~~

~~(5) Whether there should be criteria for entry into the program, such as criteria that differentiate between licensees who the board has reason to believe pose a risk to patients and those where the risk is speculative.~~

~~316. (a) There is established in the Department of Consumer Affairs the Licensee Drug and Alcohol Addiction Coordination Committee. The committee shall be comprised of the executive officers of the healing arts licensing boards within the department that do not establish and maintain diversion programs or diversion evaluation committees. The Director of Consumer Affairs shall act as the chair of the committee.~~

~~(b) The committee shall meet periodically at the discretion of the department and shall, no later than January 1, 2010, issue a set of best practices and recommendations to govern those healing arts licensing boards' disciplinary programs as they relate to disciplinary matters relating to drug or alcohol addiction. These recommendations shall propose best practices, regulations, or changes in law, as are necessary, and shall include, but shall not be limited to, recommendations addressing all of the following issues, related to drug or alcohol abuse:~~

~~(1) Criteria for placing a licensee on probation and related criteria for reporting and monitoring the probation.~~

~~(2) Criteria for refusing a request for probation.~~

~~(3) Criteria for imposition of discipline and the level of discipline.~~

~~(4) Criteria for restoration of a license.~~

~~317. For purposes of this article, "healing arts licensing board" means any board established pursuant to Division 2 (commencing with Section 500), the State Board of Chiropractic Examiners, or the Osteopathic Medical Board of California.~~

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Attachment 4

Proposed Repeal of 16 CCR §1716.1 and 1716.2 and Amendment to 16 CCR §§ 1751-1751.8 and Adoption of 16 CCR §§ 1735-1735.8

- Regulation Language
- Self-Assessment Form

Title 16. Board of Pharmacy
Proposed Language

Repeal Section 1716.1 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

~~**§1716.1. Compounding Unapproved Drugs for Prescriber Office Use.**~~

~~As used in Business and Professions Code Section 4052(a)(1), the following terms have the indicated meaning concerning the compounding of unapproved drugs for prescriber office use:~~

~~(a) "Reasonable quantity" means that quantity of an unapproved drug which:~~

~~(1) is sufficient for that prescriber's office use consistent with the expiration date of the product as set forth in section 1716.2(a)(3); and~~

~~(2) is reasonable considering the intended use of the compounded medication and nature of the prescriber's practice; and~~

~~(3) for any individual prescriber and for all prescribers taken as a whole, is an amount which the pharmacy is capable of compounding in compliance with pharmaceutical standards for identity, strength, quality and purity of the compounded medication.~~

~~(b) "Compounded medication" means medications actually compounded by the pharmacy supplying them to a prescriber.~~

~~(c) "Prescriber office use" means application or administration in the prescriber's office, or for distribution of not more than a 72-hour supply to the prescriber's patients as estimated by the prescriber.~~

~~Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4027, 4033, 4050, 4051, 4052, 4059, 4170 and 4171, Business and Professions Code.~~

Repeal Section 1716.2 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

~~**§1716.2. Record Requirements--Compounding for Future Furnishing.**~~

~~(a) For the purpose of compounding in quantities larger than required for immediate dispensing by a prescriber or for future dispensing upon prescription, a pharmacy shall maintain records that include, but are not limited to:~~

~~(1) The date of preparation.~~

~~(2) The lot numbers. These may be the manufacturer's lot numbers or new numbers assigned by the pharmacy. If the lot number is assigned by the pharmacy, the pharmacy must also record the original manufacturer's lot numbers and expiration dates, if known. If the original manufacturer's lot numbers and expiration dates are not known, the pharmacy shall record the source and acquisition date of the components.~~

~~(3) The expiration date of the finished product. This date must not exceed 180 days or the shortest expiration date of any component in the finished product unless a longer date is supported by stability studies in the same type of packaging as furnished to the prescriber. Shorter dating than set forth in this subsection may be used if it is deemed appropriate in the professional judgment of the responsible pharmacist.~~

~~(4) The signature or initials of the pharmacist performing the compounding.~~

~~(5) A formula for the compounded product. The formula must be maintained in a readily retrievable form.~~

~~(6) The name(s) of the manufacturer(s) of the raw materials.~~

~~(7) The quantity in units of finished products or grams of raw materials.~~
~~(8) The package size and the number of units prepared.~~

~~Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4005, 4051, 4059, 4081 and 4332, Business and Professions Code.~~

Article 4.5 Compounding

Add Section 1735 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1735. Compounding in Licensed Pharmacies

(a) "Compounding" means any of the following activities occurring in a licensed pharmacy, by or under the supervision of a licensed pharmacist, pursuant to a prescription:

(1) Altering the dosage form or delivery system of a drug
(2) Altering the strength of a drug
(3) Combining components or active ingredients
(4) Preparing a drug product from chemicals or bulk drug substances

(b) "Compounding" does not include reconstitution of a drug pursuant to a manufacturer's direction(s) for oral, rectal topical, or injectable administration, nor does it include tablet splitting or the addition of flavoring agent(s) to enhance palatability.

(c) "Compounding" does not include, except in small quantities under limited circumstances as justified by a specific, documented, medical need, preparation of a compounded drug product that is commercially available in the marketplace or that is essentially a copy of a drug product that is commercially available in the marketplace.

(d) The parameters and requirements stated by this Article 4.5 (Section 1735 et seq.) apply to all compounding practices. Additional parameters and requirements applicable solely to sterile injectable compounding are stated by Article 7 (Section 1751 et seq.).

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code.

Add Section 1735.1 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1735.1. Compounding Definitions

(a) "Integrity" means retention of potency until the expiration date noted on the label.

(b) "Potency" means active ingredient strength within +/- 10% of the labeled amount.

(c) "Quality" means the absence of harmful levels of contaminants, including filth, putrid, or decomposed substances, and absence of active ingredients other than those noted on the label.

(d) "Strength" means amount of active ingredient per unit of a compounded drug product.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code.

Add Section 1735.2 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1735.2. Compounding Limitations and Requirements

(a) Except as specified in (b) and (c), no drug product shall be compounded prior to receipt by a pharmacy of a valid prescription for an individual patient where the prescriber has approved use of a compounded drug product either orally or in writing. Where approval is given orally, that approval shall be noted on the prescription prior to compounding.

(b) A pharmacy may prepare and store a limited quantity of a compounded drug product in advance of receipt of a patient-specific prescription where and solely in such quantity as is necessary to ensure continuity of care for an identified population of patients of the pharmacy based on a documented history of prescriptions for that patient population.

(c) Pursuant to Business and Professions Code section 4052(a)(1), a "reasonable quantity" of compounded drug product may be furnished to a prescriber for office use upon prescriber order, where "reasonable quantity" is that amount of compounded drug product that:

(1) is sufficient for administration or application to patients in the prescriber's office, or for distribution of not more than a 72-hour supply to the prescriber's patients, as estimated by the prescriber; and
(2) is reasonable considering the intended use of the compounded medication and the nature of the prescriber's practice; and
(3) for any individual prescriber and for all prescribers taken as a whole, is an amount which the pharmacy is capable of compounding in compliance with pharmaceutical standards for integrity, potency, quality and strength of the compounded drug product.

(d) A drug product shall not be compounded until the pharmacy has first prepared a written master formula record that includes at least the following elements:

(1) Active ingredients to be used.
(2) Inactive ingredients to be used.
(3) Process and/or procedure used to prepare the drug.
(4) Quality reviews required at each step in preparation of the drug.
(5) Post-compounding process or procedures required, if any.
(6) Expiration dating requirements.

(e) Where a pharmacy does not routinely compound a particular drug product, the master formula record for that product may be recorded on the prescription document itself.

(f) The pharmacist performing or supervising compounding is responsible for the integrity, potency, quality, and labeled strength of a compounded drug product until it is dispensed.

(g) All chemicals, bulk drug substances, drug products, and other components used for drug compounding shall be stored and used according to compendial and other applicable requirements to maintain their integrity, potency, quality, and labeled strength.

(h) Every compounded drug product shall be given an expiration date representing the date beyond which, in the professional judgment of the pharmacist performing or supervising the compounding, it should not be used. This "beyond use date" of the compounded drug product shall not exceed 180 days from preparation or the shortest expiration date of any component in the compounded drug product, unless a longer date is supported by stability studies of finished drugs or compounded drug products using the same components and packaging. Shorter dating than set forth in this subsection may be used if it is deemed appropriate in the professional judgment of the responsible pharmacist.

(i) The pharmacist performing or supervising compounding is responsible for the proper preparation, labeling, storage, and delivery of the compounded drug product.

(j) Prior to allowing any drug product to be compounded in a pharmacy, the pharmacist-in-charge shall complete a self-assessment form for compounding pharmacies developed by the board (form 17m-39 rev. 10/07). That form contains a fist section applicable to all compounding, and a second section applicable to sterile injectable compounding. The first section must be completed by the pharmacist-in-charge before any compounding is performed in the pharmacy. The second section must be completed by the pharmacist-in-charge before any sterile injectable compounding is performed in the pharmacy. The applicable sections of the self-assessment shall subsequently be completed before July 1 of odd-numbered each year, within 30 days of the start of a new pharmacist-in-charge, and within 30 days of the issuance of a new pharmacy license. The primary purpose of the self-assessment is to promote compliance through self-examination and education.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code.

Add Section 1735.3 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1735.3. Records of Compounded Drug Products

(a) For each compounded drug product, the pharmacy records shall include:

(1) The master formula record.
(2) The date the drug product was compounded.
(3) The identity of the pharmacy personnel who compounded the drug product.
(4) The identity of the pharmacist reviewing the final drug product.
(5) The quantity of each component used in compounding the drug product.

(6) The manufacturer and lot number of each component. If the manufacturer name is demonstrably unavailable, the name of the supplier may be substituted.
(7) The equipment used in compounding the drug product.
(8) A pharmacy assigned reference or lot number for the compounded drug product.
(9) The expiration date of the final compounded drug product.
(10) The quantity or amount of drug product compounded.

(b) Pharmacies shall maintain records of the proper acquisition, storage, and destruction of chemicals, bulk drug substances, drug products, and components used in compounding.

(c) Chemicals, bulk drug substances, drug products, and components used to compound drug products shall be obtained from reliable suppliers. The pharmacy shall acquire and retain any available certificates of purity or analysis for chemicals, bulk drug substances, drug products, and components used in compounding. Certificates of purity or analysis are not required for drug products that are approved by the Food and Drug Administration.

(d) Pharmacies shall maintain and retain all records required by this article in the pharmacy in a readily retrievable form for at least three years from the date the record was created.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code.

Add Section 1735.4 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1735.4. Labeling of Compounded Drug Products

(a) In addition to the labeling information required under Business and Professions Code section 4076, the label of a compounded drug product shall contain the generic name(s) of the principal active ingredient(s).

(b) A statement that the drug has been compounded by the pharmacy shall be included on the container or on the receipt provided to the patient.

(c) Drug products compounded into unit-dose containers that are too small or otherwise impractical for full compliance with subdivisions (a) and (b) shall be labeled with at least the name(s) of the active ingredient(s), concentration or strength, volume or weight, pharmacy reference or lot number, and expiration date.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, 4076 and 4127, Business and Professions Code.

Add Section 1735.5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1735.5. Compounding Policies and Procedures

(a) Any pharmacy engaged in compounding shall maintain a written policy and procedure manual for compounding that establishes procurement procedures, methodologies for the formulation and compounding of drugs, facilities and equipment cleaning, maintenance, operation, and other standard operating procedures related to compounding.

(b) The policy and procedure manual shall be reviewed on an annual basis by the pharmacist-in-charge and shall be updated whenever changes in processes are implemented.

(c) The policy and procedure manual shall include the following

(1) Procedures for notifying staff assigned to compounding duties of any changes in processes or to the policy and procedure manual.
(2) Documentation of a plan for recall of a dispensed compounded drug product where subsequent verification demonstrates the potential for adverse effects with continued use of a compounded drug product.
(3) The procedures for maintaining, storing, calibrating, cleaning, and disinfecting equipment used in compounding, and for training on these procedures as part of the staff training and competency evaluation process.
(4) Documentation of the methodology used to test integrity, potency, quality, and labeled strength of compounded drug products.
(5) Documentation of the methodology used to determine appropriate expiration dates for compounded drug products.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code.

Add Section 1735.6 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1735.6. Compounding Facilities and Equipment

(a) Any pharmacy engaged in compounding shall maintain written documentation regarding the facilities and equipment necessary for safe and accurate compounded drug products. Where applicable, this shall include records of certification(s) of facilities or equipment.

(b) Any equipment used to compound drug products shall be stored, used, and maintained in accordance with manufacturers' specifications.

(c) Any equipment used to compound drug products for which calibration or adjustment is appropriate shall be calibrated prior to use to ensure accuracy. Documentation of each such calibration shall be recorded in writing and these records of calibration shall be maintained and retained in the pharmacy.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code.

Add Section 1735.7 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1735.7. Training of Compounding Staff

(a) Any pharmacy engaged in compounding shall maintain written documentation sufficient to demonstrate that pharmacy personnel have the skills and training required to properly and accurately perform their assigned responsibilities relating to compounding.

(b) The pharmacy shall develop and maintain an on-going competency evaluation process for pharmacy personnel involved in compounding, and shall maintain documentation of any and all training related to compounding undertaken by pharmacy personnel.

(c) Pharmacy personnel assigned to compounding duties shall demonstrate knowledge about processes and procedures used in compounding prior to compounding any drug product.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code.

Add Section 1735.8 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1735.8. Compounding Quality Assurance

(a) Any pharmacy engaged in compounding shall maintain, as part of its written policies and procedures, a written quality assurance plan designed to monitor and ensure the integrity, potency, quality, and labeled strength of compounded drug products.

(b) The quality assurance plan shall include written procedures for verification, monitoring, and review of the adequacy of the compounding processes and shall also include written documentation of review of those processes by qualified pharmacy personnel.

(c) The quality assurance plan shall include written standards for qualitative and quantitative integrity, potency, quality, and labeled strength analysis of compounded drug products. All qualitative and quantitative analysis reports for compounded drug products shall be retained by the pharmacy and collated with the compounding record and master formula.

(d) The quality assurance plan shall include a written procedure for scheduled action in the event any compounded drug product is ever discovered to be below minimum standards for integrity, potency, quality, or labeled strength.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code.

Article 7 Sterile Injectable Compounding

Amend Section 1751 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1751. Sterile Injectable Compounding; Compounding Area.

(a) Any pharmacy engaged in compounding sterile injectable drug products shall conform to the parameters and requirements stated by Article 4.5 (Section 1735 et seq.), applicable to all compounding, and shall also conform to the parameters and requirements stated by this Article 7 (Section 1751 et seq.), applicable solely to sterile injectable compounding.

(b) ~~The~~ Any pharmacy doing sterile injectable compounding shall have a designated area for the preparation of sterile injectable products which shall meet the following standards:

(1) Clean Room and Work Station Requirements, shall be in accordance with Section 490A.3.1 of Title 24, Part 2, Chapter 4A of the California Code of Regulations.
(2) Walls, ceilings and floors shall be constructed in accordance with Section 490A.3 of Title 24, Part 2, Chapter 4A of the California Code of Regulations.
(3) Be ventilated in a manner in accordance with Section 505.12 of Title 24, Part 4, Chapter 5 of the California Code of Regulations.
(4) Be certified annually by a qualified technician who is familiar with the methods and procedures for certifying laminar air flow hoods and clean room requirements, in accordance with standards adopted by the United States General Services Administration. Certification records must be retained for at least 3 years.
(5) The pharmacy shall be arranged in accordance with Section 490A.3 of Title 24, Part 2, Chapter 4A of the California Code of Regulations. Items related to the compounding of sterile injectable products within the compounding area shall be stored in such a way as to maintain the integrity of an aseptic environment.
(6) A sink shall be included in accordance ~~in~~ with Section 490A.3.4 of Title 24, Part 2, Chapter 4A of the California Code of Regulations.
(7) There shall be a refrigerator and/or freezer of sufficient capacity to meet the storage requirements for all material requiring refrigeration.

(c) Any pharmacy compounding a sterile injectable product from one or more non-sterile ingredients shall comply with Business and Professions Code section 4127.7.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, 4127 and 4127.7, Business and Professions Code; and Section 18944(a), Health and Safety Code.

Renumber section 1751.3 to new section 1751.1 and amend section 1751.1 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

~~§1751.3.~~ 1751.1. Sterile Injectable Recordkeeping Requirements.

(a) Pharmacies compounding sterile injectable products for future use pursuant to section ~~1716.1~~ 1735.2 shall, in addition to those records required by section ~~1716.2~~ 1735.3, ~~have~~ make and keep records indicating the name, lot number, amount, and date on which the products were provided to a prescriber.

(b) In addition to the records required by section 1735.3 and subdivisions (a), for sterile products compounded from one or more non-sterile ingredients, the following records must be ~~maintained for at least three years~~ made and kept by the pharmacy:

(1) The training and competency evaluation of employees in sterile product procedures.
(2) Refrigerator and freezer temperatures.
(3) Certification of the sterile compounding environment.
(4) Other facility quality control logs specific to the pharmacy's policies and procedures (e.g., cleaning logs for facilities and equipment).
(5) Inspection for expired or recalled pharmaceutical products or raw ingredients.
(6) Preparation records including the master work sheet, the preparation work sheet, and records of end-product evaluation results.

(c) ~~Pharmacies shall maintain records of validation processes as required by Section 1751.7 (b) for three years~~ Pharmacies shall maintain and retain all records required by this article in the pharmacy in a readily retrievable form for at least three years from the date the record was created.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code.

Amend Section 1751.2 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1751.2. Sterile Injectable Labeling Requirements.

In addition ~~to existing labeling requirements~~ to the labeling information required under Business and Professions Code section 4076 and section 1735.4, a pharmacy which compounds sterile injectable products shall include the following information on the labels for those products:

(a) Telephone number of the pharmacy, except for sterile injectable products dispensed for inpatients of a hospital pharmacy.

(b) Name and concentrations of ingredients contained in the sterile injectable product.

(c) Instructions for storage and handling.

(d) All cytotoxic agents shall bear a special label which states "Chemotherapy - Dispose of Properly."

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, 4076 and 4127, Business and Professions Code.

Renumber section 1751.02 to new section 1751.3 and amend section 1751.3 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§~~1751.02.~~ 1751.3. Sterile Injectable Policies and Procedures.

(a) ~~Written policies and procedures associated with the pharmacy's preparation and dispensing of sterile injectable products shall include, but not be limited to~~ Any pharmacy engaged in compounding sterile injectable drug products shall maintain a written policy and procedure manual for compounding that includes, in addition to the elements required by section 1735.5, written policies and procedures regarding the following:

(1) Compounding, filling, and labeling of sterile injectable compounds.
(2) Labeling of the sterile injectable product based on the intended route of administration and recommended rate of administration.
(3) Equipment and supplies.
(4) Training of staff in the preparation of sterile injectable products.
(5) Procedures for handling cytotoxic agents.
(6) Quality assurance program.
(7) Record keeping requirements.

(b) The ingredients and the compounding process for each preparation must be determined in writing before compounding begins and must be reviewed by a pharmacist.

(c) Pharmacies compounding sterile injectable products shall have written policies and procedures for the disposal of infectious materials and/or materials containing cytotoxic residues. The written policies and procedures shall describe the pharmacy protocols for cleanups and spills in conformity with local health jurisdiction standards.

(d) Pharmacies compounding sterile injectable products from one or more non-sterile ingredients must have written policies and procedures that comply with the following:

(1) All written policies and procedures shall be immediately available to all personnel involved in these activities and board inspectors.
(2) All personnel involved must read the policies and procedures before compounding sterile injectable products, and any additions, revisions, and deletions to the written policies and procedures must be communicated to all personnel involved in sterile compounding.
(3) Policies and procedures must address at least the following:
    (A) Competency evaluation.
    (B) Storage and handling of products and supplies.
    (C) Storage and delivery of final products.
    (D) Process validation.

(E) Personnel access and movement of materials into and near the controlled area.
(F) Use and maintenance of environmental control devices used to create the critical area for manipulation of sterile products (e.g., laminar-airflow workstations, biological safety cabinets, class 100 cleanrooms, and barrier isolator workstations).
(G) Regular cleaning schedule for the controlled area and any equipment in the controlled area and the alternation of disinfectants. Pharmacies subject to an institutional infection control policy may follow that policy as it relates to cleaning schedules and the alternation of disinfectants in lieu of complying with this subdivision.
(H) Disposal of packaging materials, used syringes, containers, and needles to enhance sanitation and avoid accumulation in the controlled area.
(I) For sterile batch compounding, written policies and procedures must be established for the use of master formulas and work sheets and for appropriate documentation.
(J) Sterilization.
(K) End-product evaluation and testing.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code.

Renumber section 1751.01 to new section 1751.4 and amend section 1751.4 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

~~§1751.01.~~ 1751.4. Facility and Equipment Standards for Sterile Injectable Compounding ~~from Non-Sterile Ingredients.~~

(a) No sterile injectable product shall be ~~prepared~~ compounded if it is known, or reasonably should be known, that the compounding environment fails to meet criteria specified in the pharmacy's written policies and procedures for the safe compounding of sterile injectable drug products.

(b) During the preparation of sterile injectable products, access to the designated area or cleanroom must be limited to those individuals who are properly attired.

(c) All equipment used in the designated area or cleanroom must be made of a material that can be easily cleaned and disinfected.

(d) Exterior workbench surfaces and other hard surfaces in the designated area, such as walls, floors, ceilings, shelves, tables, and stools, must be disinfected weekly and after any unanticipated event that could increase the risk of contamination.

(e) Pharmacies preparing parenteral cytotoxic agents shall ~~be~~ do so in accordance with Section 4-1106(b) of Title 24 of the California Administrative Code, requiring a laminar air flow hood. The hood must be certified annually by a qualified technician who is familiar with the methods and procedures for

certifying laminar air flow hoods and clean room requirements, in accordance with National Sanitation Foundation Standard 49 for Class II (Laminar Flow) Biohazard Cabinetry, as revised May, 1983 (available from the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106, phone number (313) 769-8010) or manufacturer's specifications. Certification records must be retained for at least 3 years.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code; and Section 18944(a), Health and Safety Code.

Repeal Section 1751.1 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

~~**§1751.1. Laminar Flow Biological Safety Cabinet.**~~

~~Pharmacies preparing parenteral cytotoxic agents shall be in accordance with Section 4-1106(b) of Title 24 of the California Administrative Code. The hood must be certified annually by a qualified technician who is familiar with the methods and procedures for certifying laminar air flow hoods and clean room requirements, in accordance with National Sanitation Foundation Standard 49 for Class II (Laminar Flow) Biohazard Cabinetry, as revised May, 1983 (available from the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106, phone number (313) 769-8010) or manufacturer's specifications. Certification records must be retained for at least 3 years.~~

~~Authority cited: Section 4005, Business and Professions Code. Reference: Section 4005, Business and Professions Code; and Section 18944(a), Health and Safety Code.~~

Repeal Section 1751.3 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

~~**§1751.3. Recordkeeping Requirements.**~~

~~(a) Pharmacies compounding sterile injectable products for future use pursuant to section 1716.1-1735,2 shall, in addition to those records required by section 1716.2-1735.3, have records indicating the name, lot number, amount, and date on which the products were provided to a prescriber.~~

~~(b) In addition to the records required by subdivisions (a), for sterile products compounded from one or more non-sterile ingredients the following records must be maintained for at least three years:~~

~~(1) The training and competency evaluation of employees in sterile product procedures.~~

~~(2) Refrigerator and freezer temperatures.~~

~~(3) Certification of the sterile compounding environment.~~
~~(4) Other facility quality control logs specific to the pharmacy's policies and procedures (e.g., cleaning logs for facilities and equipment).~~
~~(5) Inspection for expired or recalled pharmaceutical products or raw ingredients.~~
~~(6) Preparation records including the master work sheet, the preparation work sheet, and records of end-product evaluation results.~~

~~(c) Pharmacies shall maintain records of validation processes as required by Section 1751.7 (b) for three years.~~

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

Renumber section 1751.4 to new section 1751.5 and amend section 1751.5 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

~~§1751.4.~~ 1751.5. Sterile Injectable Compounding Attire.

(a) When preparing cytotoxic agents, gowns and gloves shall be worn.

(b) When compounding sterile products from one or more non-sterile ingredients the following standards must be met:

(1) Cleanroom garb consisting of a low-shedding coverall, head cover, face mask, and shoe covers must be worn inside the designated area at all times.
(2) Cleanroom garb must be donned and removed outside the designated area.
(3) Hand, finger, and wrist jewelry must be eliminated. If jewelry cannot be removed then it must be thoroughly cleaned and covered with a sterile glove.
(4) Head and facial hair must be kept out of the critical area or be covered.
(5) Gloves made of low-shedding materials are required.

(c) The requirements of ~~this~~ subdivision (b) do not apply if a barrier isolator is used to compound sterile injectable products from one or more non-sterile ingredients.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code.

Renumber section 1751.5 to new section 1751.6 and amend section 1751.6 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

~~§1751.5.~~ 1751.6. Training of Sterile Injectable Compounding Staff, Patient, and Caregiver.

(a) Consultation shall be available to the patient and/or primary caregiver concerning proper use of sterile injectable products and related supplies furnished by the pharmacy.

(b) The pharmacist-in-charge shall be responsible to ensure all pharmacy personnel engaging in compounding sterile injectable drug products shall have training and demonstrated competence in the safe handling and compounding of sterile injectable products, including cytotoxic agents if the pharmacy compounds products with cytotoxic agents.

(c) Records of training and demonstrated competence shall be available for each individual and shall be retained for three years beyond the period of employment.

(d) The pharmacist-in-charge shall be responsible to ensure the continuing competence of pharmacy personnel engaged in compounding sterile injectable products.

(e) Pharmacies that compound sterile products from one or more non-sterile ingredients must comply with the following training requirements:

(1) The pharmacy must establish and follow a written program of training and performance evaluation designed to ensure that each person working in the designated area has the knowledge and skills necessary to perform their assigned tasks properly. This program of training and performance evaluation must address at least the following:
(A) Aseptic technique.
(B) Pharmaceutical calculations and terminology.
(C) Sterile product compounding documentation.
(D) Quality assurance procedures.
(E) Aseptic preparation procedures.
(F) Proper gowning and gloving technique.
(G) General conduct in the controlled area.
(H) Cleaning, sanitizing, and maintaining equipment used in the controlled area.
(I) Sterilization techniques.
(J) Container, equipment, and closure system selection.

(2) Each person assigned to the controlled area must successfully complete practical skills training in aspetic technique and aseptic area practices. Evaluation must include written testing and a written protocol of periodic routine performance checks involving adherence to aspetic area policies and procedures. Each person's proficiency and continuing training needs must be reassessed every 12 months. Results of these assessments must be documented and retained in the pharmacy for three years.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code.

Repeal Section 1751.6 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

~~§1751.6. Disposal of Waste Material.~~

~~Pharmacies compounding sterile injectable products shall have written policies and procedures for the disposal of infectious materials and/or materials containing cytotoxic residues. The procedures shall include cleanup of spills and shall be in conformance with local health jurisdiction.~~

~~Authority cited: Section 4005 Business and Professions Code. Reference: Section 4005 Business and Professions Code.~~

Amend 1751.7 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1751.7. <u>Sterile Injectable Compounding</u> Quality Assurance and Process Validation.

(a) <u>Any pharmacy engaged in compounding sterile injectable drug products shall maintain, as part of its written policies and procedures, a written quality assurance plan including, in addition to the elements required by section 1735.8,</u> ~~There shall be~~ a documented, ongoing quality assurance program that monitors personnel performance, equipment, and facilities. The end product shall be examined on a periodic sampling basis as determined by the pharmacist-in-charge to assure that it meets required specifications. The Quality Assurance Program shall include at least the following:

(1) Cleaning and sanitization of the parenteral medication preparation area.
(2) The storage of compounded sterile injectable products in the pharmacy and periodic documentation of refrigerator temperature.
(3) Actions to be taken in the event of a drug recall.
(4) Written justification of the chosen expiration dates for compounded sterile injectable products.

(b) Each individual involved in the preparation of sterile injectable products must <u>first</u> successfully complete a validation process on technique before being allowed to prepare sterile injectable products. The validation process shall be carried out in the same manner as normal production, except that an appropriate microbiological growth medium is used in place of the actual product used during sterile preparation. The validation process shall be representative of all types of manipulations, products and batch sizes the individual is expected to prepare. The same personnel, procedures, equipment, and materials ~~are~~ must be involved. Completed medium samples must be incubated. If microbial growth is detected, then the sterile preparation process must be evaluated, corrective action taken, and the validation process repeated. Personnel competency must be revalidated at least every twelve months, whenever the quality assurance program yields an unacceptable result, when the compounding process changes, equipment used in the compounding of sterile injectable drug products is repaired or replaced, the facility is modified in a manner that affects airflow or traffic patterns, or whenever improper aseptic techniques are observed. Revalidation must be documented.

(c) Batch-produced sterile injectable drug products compounded from one or more non-sterile ingredients shall be subject to documented end product testing for sterility and pyrogens and shall be quarantined until the end product testing confirms sterility and acceptable levels of pyrogens.

(d) Batch-produced sterile to sterile transfers shall be subject to periodic testing through process validation for sterility as determined by the pharmacist-in-charge and described in the written policies and procedures.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and 4127, Business and Professions Code.

Renumber section 1751.9 to new section 1751.8 and amend section 1751.8 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§~~1751.9.~~ 1751.8. Sterile Injectable Compounding Reference Materials.

In any pharmacy engaged in compounding sterile injectable drug products, ~~T~~there shall be current and appropriate reference materials regarding the compounding of sterile injectable products located in or immediately available to the pharmacy.

Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference: Sections 4005, 4036, 4037, 4051, 4052, and

California State Board of Pharmacy
1625 N. Market Blvd., Suite N219, Sacramento, CA 95834
Phone: (916) 574-7900 Fax: (916) 574-8618
www.pharmacy.ca.gov

STATE AND CONSUMER SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
ARNOLD SCHWARZENNEGGER, GOVERNOR

COMMUNITY PHARMACY & HOSPITAL OUTPATIENT PHARMACY COMPOUNDING SELF-ASSESSMENT

The California Code of Regulations section 1735.2 requires the pharmacist-in-charge of each pharmacy licensed under section 4037 or 4029 of the Business and Professions Code that compounds drug product to complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law. **The assessment shall be performed before July 1 of every odd-numbered year. The pharmacist-in-charge must also complete a self-assessment within 30 days whenever; (1) a new pharmacy permit has been issued, or (2) there is a change in the pharmacist-in-charge. The primary purpose of the self-assessment is to promote compliance through self-examination and education.**

The self-assessment must be competed in entirety and may be completed online, printed and retained in the pharmacy. Do not copy a previous assessment.

Note: If a hospital pharmacy dispenses prescriptions for outpatient use, a Community Pharmacy & Hospital Outpatient Pharmacy Compounding Self-Assessment must be completed in addition to the Hospital Pharmacy Self-Assessment.

Each self-assessment must be kept on file in the pharmacy for three years after it is performed.

Pharmacy Name: _____

Address: _____ Phone: _____

Ownership: Sole Owner ☐ Partnership ☐ Corporation ☐ LLC ☐
Non-Licensed Owner ☐ Other (please specify) ☐ _____

Permit #: _____ Exp. Date: _____ Other Permit #: _____ Exp. Date: _____

Licensed Sterile Compounding Permit # _____ or Accredited by: _____

DEA Registration #: _____ Exp. Date: _____ Date of DEA Inventory: _____

Hours: *Daily* _____ *Sat* _____ *Sun.* _____ *24 Hours* _____

PIC: _____ RPH # _____ Exp. Date: _____

_____
PIC Initials

Pharmacy Staff (pharmacists, intern pharmacists, pharmacy technicians assigned to compounding duties):
(Please use an additional sheet if necessary)

2. _____ RPH # _____ Exp. Date: _____

3. _____ RPH # _____ Exp. Date: _____

4. _____ RPH # _____ Exp. Date: _____

5. _____ RPH # _____ Exp. Date: _____

6. _____ RPH # _____ Exp. Date: _____

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10. _____ TCH # _____ Exp. Date: _____

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15. _____ TCH # _____ Exp. Date: _____

16. _____ TCH # _____ Exp. Date: _____

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PIC
Initials

COMMUNITY PHARMACY & HOSPITAL OUTPATIENT PHARMACY COMPOUNDING SELF-ASSESSMENT

All references to the California Code of Regulations (CCR) are to Title 16 unless otherwise noted.

Please mark the appropriate box for each question. If "NO", enter an explanation on "CORRECTIVE ACTION OR ACTION PLAN" lines at the end of the section. If more space is needed, you may add additional sheets.

COMPOUNDING

1. Definitions (CCR 1735 and 1735.1)

Yes No N/A

☐☐☐ The pharmacy compounds prescriptions as defined in CCR 1735.

☐☐☐ The compounding pharmacist understands the definitions of integrity, potency, quality and strength as defined in CCR 1735.1.

2. Compounded Limitations and Requirements (CCR 1735.2)

The pharmacy does not compound drug product prior to receipt of a valid prescription unless under the following conditions. (CCR 1735.2[a])

Yes No N/A

☐☐☐ The pharmacy prepares and stores a limited quantity of a compounded drug product in advance of receipt of a patient specific prescription solely in such quantity as is necessary to ensure continuity of care of an identified patient population as defined. (CCR 1735.2[b])

☐☐☐ The pharmacy compounds a reasonable quantity of drug product that is furnished to a prescriber for office use upon prescriber order as allowed in CCR 1735.2 (c) that:

Is sufficient for administration or application to patients in the prescriber's office or for distribution of not more than a 72-hour supply, (CCR 1735.2[c][1])

Is reasonable considering the intended use of the complounded medication and the nature of the prescriber's practice, (CCR 1735.2[c][2]) AND

Is an amount, which the pharmacy is capable of compounding in compliance with pharmaceutical standards for integrity, potency, quality and strength for any individual prescriber or for all prescribers taken as a whole. (CCR 1735.2[c][3])

☐☐☐ The pharmacy does not compound medication until it has prepared a written master formula that includes the following elements (CCR 1735.2[d][1-6]):

Active ingredients used.

Inactive ingredients used.

Process and/or procedure used to prepare the drug.

Quality reviews required at each step in the preparation of the drug.

Post-compounding process or procedures if required.

Expiration dating requirements.

☐☐☐ The master formula for a drug product that is not routinely compounded by the pharmacy is recorded on the prescription document itself. (CCR 1735.2 [e])

☐☐☐ All chemicals, bulk drug substances, drug products and other components for compounding are stored and used according to compendial and other applicable requirements to maintain their integrity, potency, quality and labeled strength. (CCR 1735.2 [g])

☐☐☐ Compounded drug products are given an expiration date representing the date beyond which, in the professional judgment of the pharmacist, it should not be used as defined in CCR 1735.2 (h) and does not exceed 180 days from preparation or the shortest expiration date of any component in the compounded drug product. (CCR 1735.2[h])

CORRECTIVE ACTION OR ACTION PLAN: _____

_____

3. Records of Compounded Drug Products (CCR 1735.3)

Yes No N/A

☐☐☐ A record for each compounded drug product includes the following (CCR 1735.3[a][1-10]):

The master formula record.

The date the drug product was compounded.

The identity of the pharmacy personnel who compounded the drug product.

The identity of the pharmacist reviewing the final drug product.

The quantity of each component used in compounding the drug product.

The manufacturer or supplier and lot number of each component.

The equipment used in compounding the drug product.

The pharmacy assigned reference or lot number for the compounded drug product.

The expiration date of the final compounded drug product.

The quantity or amount of drug product compounded.

☐☐☐ The pharmacy maintains records of the proper acquisition, storage, and destruction of chemicals, bulk drug substances, drug products and components used in compounding. (CCR 1735.3 [b])

☐☐☐ Chemicals, bulk drug substances, drug products, and components used to compound drug products are obtained from reliable suppliers. (CCR 1735.3 [c])

☐☐☐ The pharmacy acquires and retains any available certificates of purity or analysis for chemicals, bulk drug substances, drug products and components used in compounding. (This is not a requirement for drug products approved by the FDA.) (CCR 1735.3 [c])

☐☐☐ The pharmacy maintains and retains all records required in the pharmacy in a readily retrievable form for at least three years (CCR 1735.3 [d]).

4. Labeling of Compounded Drug Products (CCR 1735.4)

Yes No N/A

☐☐☐ The label of the compounded drug product contains the generic name(s) of the principle active ingredient(s). (CCR 1735.4[a])

☐☐☐ The prescription label contains all the information required in B&PC 4076. (CCR 1735.4[a]

☐☐☐ The container or receipt contains a statement that the drug has been compounded by the pharmacy. (CCR 1735.4[b])

☐☐☐ Drug products compounded into unit-dose containers that are too small or otherwise impractical for full compliance are labeled with the name(s) of the active ingredient(s), concentration of strength, volume or weight, and expiration date. (CCR 1735.4[c])

CORRECTIVE ACTION OR ACTION PLAN: _____

_____

5. Compounding Policies and Procedures (CCR 1735.5)

Yes No N/A

☐☐☐ The pharmacy maintains a written policy and procedure manual for compounding that establishes the following (CCR 1735.5 [a]):

Procurement procedures.

Methodologies for the formulation and compounding of drugs.

Facilities and equipment cleaning, maintenance and operations.

Other standard operating procedures related to compounding.

☐☐☐ The policy and procedure manual is reviewed on an annual basis by the pharmacist-in-charge and is updated whenever changes in process are implemented. (CCR 1735.5 [b])

☐☐☐ The policy and procedure manual includes procedures for notifying staff assigned to compounding duties of any changes in process or to the policy and procedure manual. (CCR 1735.5[c])

☐☐☐ The manual includes documentation of a plan for recall of a dispensed compounded drug product where subsequent verification demonstrates the potential for adverse effects with continued use of a compounded drug product. (CCR 1735.5[d])

☐☐☐ The manual includes procedures for maintaining, storing, calibrating, cleaning and disinfecting equipment used in compounding and for training on these procedures. (CCR 1735.5[e])

☐☐☐ The manual includes documentation on the methodology used to test integrity, potency, quality and labeled strength of compounded drug products. (CCR 1735.5[f])

☐☐☐ The manual includes documentation of the methodology used to determine appropriate expiration dates for compounded drug products. (CCR 1735.5[g])

CORRECTIVE ACTION OR ACTION PLAN: _____

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6. Compounding Facilities and Equipment (CCR 1735.6)

Yes No N/A

☐☐☐ The pharmacy maintains written documentation regarding the facilities and equipment necessary for safe and accurate compounded drug products to include records of certification of facilities or equipment, if applicable. (CCR 1735.6[a])

☐☐☐ All equipment used to compound drug products is stored, used and maintained in accordance with manufacturers' specifications. (CCR 1735.6[b])

☐☐☐ All equipment used to compound drug products is calibrated prior to used to ensure accuracy. (CCR 1735.6[c])

☐☐☐ Documentation of each calibration is recorded in writing and maintained and retained in the pharmacy. (CCR 1735.6[c])

CORRECTIVE ACTION OR ACTION PLAN: _____

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7. Training of Compounding Staff (CCR 1735.7)

Yes No N/A

☐☐☐ The pharmacy maintains written documentation sufficient to demonstrate that pharmacy personnel have the skills and training required to properly and accurately perform assigned responsibilities relating to compounding. (CCR 1735.7[a])

☐☐☐ The pharmacy develops and maintains an on-going competency evaluation process for pharmacy personnel involved in compounding. (CCR 1735.7[b])

☐☐☐ Documentation on any and all such training for pharmacy personnel is maintained. (CCR 1735.7[b])

☐☐☐ Pharmacy personnel assigned to compounding duties demonstrate knowledge about processes and procedures used in compounding prior to compounding any drug product. (CCR 1735.7[c])

CORRECTIVE ACTION OR ACTION PLAN: _____

_____

8. Compounding Quality Assurance (CCR 1735.8)

Yes No N/A

☐☐☐ The pharmacy maintains as part of its written policies and procedures, a written quality assurance plan to monitor and ensure the integrity, potency, quality and labeled strength of compounded drug products. (CCR 1735.8[a])

☐☐☐ The pharmacy's quality assurance plan includes the written procedures and standards for the following:

Verification, monitoring and review of the adequacy of the compounding processes as well as documentation of review of those processes by qualified pharmacy personnel. (CCR 1735.8[b])

Qualitative and quantitative integrity, potency, quality and labeled strength analysis of compounded drug products. (CCR 175.8[c])

Such reports are retained by the pharmacy and collated with the compounding record and master formula. (CCR 1735.8[c])

Scheduled action in the event any compounded drug product is ever discovered to be below minimum standards for integrity, potency, quality or labeled strength. (CCR 1735.8[d])

COMPOUNDING STERILE INJECTABLE DRUGS

FOR PHARMACIES THAT COMPOUND STERILE INJECTABLE DRUGS

Yes No N/A

☐☐☐ Pharmacy has a board issued Licensed Sterile Compounding permit or has current accreditation from the Joint Commission on Accreditation of Healthcare Organizations, or other board approved accreditation agency. (B&PC 4127.1[a] and 4127.1[d])

LSC # _____ OR

Name of accreditation agency _____

_____
PIC Initials

9. Compounding Drug for Other Pharmacy for Parenteral Therapy (B&PC 4123)

Yes No N/A

☐☐☐ The pharmacy contracts to compound a drug for parenteral therapy, pursuant to a prescription, for delivery to another pharmacy.

The contractual arrangement is reported to the board within 30 days of commencing that compounding.

10. Sterile Injectable Compounding; Compounding Area (CCR 1751)

Yes No N/A

☐☐☐ If the pharmacy compounds sterile injectable drugs from a nonsterile source, the pharmacy has a designated area or cleanroom for the preparation of sterile products that has one the following:

An ISO class 5 laminar airflow hood within an ISO class 7 cleanroom. A positive air pressure differential in the cleanroom that is relative to adjacent areas; (B&PC 4127.7[a])

An ISO class 5 cleanroom (B&PC 4127.7[b])

A barrier isolator that provides an ISO class 5 environment for compounding. (B&PC 4127.7[c])

☐☐☐ The cleanroom walls, ceiling and floors are made of non-porous, cleanable surfaces and the room is well ventilated (CCR 1751)

The laminar airflow hoods and clean room are certified annually; (CCR 1751)

Supplies are stored in a manner, which maintains integrity of an aseptic environment; (CCR 1751)

A sink with hot and cold running water; (CCR 1751)

A refrigerator of sufficient capacity to meet the storage requirements for all material requiring refrigeration. (CCR 1751)

CORRECTIVE ACTION OR ACTION PLAN: _____

_____

11. Sterile Injectable Recordkeeping Requirements. (CCR 1751.1)

Yes No N/A

☐☐☐ Pharmacy records are made and kept for sterile injectable products produced for future use (pursuant to section 1735.2), in addition to record requirements of section 1735.3, contain the name, lot number, amount, and date on which the products were provided to a prescriber. (CCR 1751.1[a])

☐☐☐ Records for sterile products compounded from one or more non-sterile ingredients are made and kept and contain the following: (CCR 1751.1[b][1-6])

The training and competency evaluation of employees in sterile product procedures;

Refrigerator and freezer temperatures;

Certification of the sterile compounding environment;

Other facility quality control logs specific to the pharmacy's policies and procedures (e.g., cleaning logs for facilities and equipment);

Inspection for expired or recalled pharmaceutical products or raw ingredients; and

Preparation records including the master work sheet, the preparation work sheet, and records of end-product evaluation results.

☐☐☐ The pharmacy maintains and retains all records required in the pharmacy in a readily retrievable form for at least three years from the date the record was created. (CCR 1751.1[c])

CORRECTIVE ACTION OR ACTION PLAN: _____

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12. Sterile Injectable Labeling Requirements (CCR 1751.2)

Yes No N/A

☐☐☐ The pharmacy's compounded sterile injectable product labels contain: (CCR 1751.2[a-d])

Telephone number of the pharmacy, unless dispensed for a hospital in-patient;

Name and concentrations of ingredients contained in the product;

Instructions for storage and handling; and

A special label that states "Chemotherapy—Dispose of Properly" for all cytotoxic agents.

CORRECTIVE ACTION OR ACTION PLAN: _____

_____

13. Sterile Injectable Policies and Procedures (CCR 1751.3)

Yes No N/A

☐☐☐ The pharmacy has a written manual documenting the policies and procedures associated with the preparation and dispensing of sterile injectable products and includes: (CCR 1751.2[a][1-7])

Compounding, filling, and labeling of sterile injectable compounds;

Labeling of the sterile injectable product based on the intended route of administration and recommended rate of administration;

Equipment and supplies;

Training of staff in preparation of sterile injectable products;

Training of patient and/or caregiver in the administration of compounded sterile injectable products;

Procedures for the handling and disposal of cytotoxic agents;

Quality assurance program; and

Record keeping requirements.

☐☐☐ Ingredients and compounding process for each preparation is determined in writing and reviewed by a pharmacist before compounding begins. (CCR 1751.3[b])

☐☐☐ Policies and procedures address the disposal of infectious materials and/or materials containing cytotoxic residues and include cleanup of spills in conformance with local health jurisdictions. (CCR 1751.3 [c])

☐☐☐ If compounding sterile injectable products from one or more non-sterile ingredients, the pharmacy has written policies and procedures that comply with the following: (CCR 1751.3[d][1-3])

Policies and procedures are immediately available to all compounding personnel and board inspectors (CCR 1751.3[d][1]); and

All compounding personnel have read the policies and procedures, any additions, revisions, and deletions before compounding. (CCR 1751.3 [d][2])

☐☐☐ Policies and procedures address the following: (CCR 1751.3 [d][3] [A-K])

Competency evaluation;

Storage and handling of products and supplies;

Storage and delivery of final products;

Process validation;

Personnel access and movement of materials into and near the controlled area;

Use and maintenance of environmental control devices used to create the critical area for manipulation of sterile products (e.g., laminar-airflow workstations, biological safety cabinets, class 100 cleanrooms, and barrier isolator workstations;

A regular cleaning schedule for the controlled area and any equipment in the controlled area and the alternation of disinfectants. Pharmacies subject to an institutional infection control policy may follow that policy as it relates to cleaning schedules;

Disposal of packaging materials, used syringes, containers, and needles to enhance sanitation and avoid accumulation in the controlled area;

For sterile batch compounding, written policies and procedures for the use of master formulas and work sheets and for appropriate documentation;

Sterilization; and

End-product evaluation and testing.

CORRECTIVE ACTION OR ACTION PLAN: _____

_____

14. Facility & Equipment Standards for Sterile Injectable Compounding (CCR 1751.4)

Yes No N/A

☐☐☐ The compounding environment meets criteria specified in the pharmacy's written policies and procedures for safe compounding of sterile injectable drugs. (CCR 1751.4[a])

☐☐☐ Only those who are properly attired pursuant to (CCR 1751.5) are allowed in the cleanroom during the preparation of sterile injectable products. (CCR 1751.4[b])

☐☐☐ All equipment used in the designated area or cleanroom is made of easily cleaned and disinfected material. (CCR 1751.4[c])

☐☐☐ Exterior workbench surfaces and other hard surfaces in the designated area, such as walls, floors, ceilings, shelves, tables, and stools are disinfected weekly and after any unanticipated event that could increase risk of contamination (CCR 1751.4[d])

☐☐☐ The preparation of parenteral cyctotoxic agents is done in accordance with Section 4-1006(b) of Title 24 of the California Administrative Code and includes: (CCR 1751.4[e])

A laminar airflow hood, which is certified annually.

Certification records are maintained for at least three years.

CORRECTIVE ACTION OR ACTION PLAN: _____

_____

15. Sterile Injectable Compounding Attire (CCR 1751.5)

Yes No N/A

☐☐☐ When preparing cytotoxic agents, gowns and gloves are worn.(CCR 1751.5[a])

☐☐☐ When compounding sterile products from one or more non-sterile ingredients and a barrier isolator is not used: (CCR 1751.5[b][1-5])

Cleanroom garb is donned and removed outside the designated area; (CCR 1751.5[b][2])

Individuals in the cleanroom wear a low-shedding coverall, head cover, face mask, and shoe covers; (CCR 1751.5[b][1])

No hand, finger, or wrist jewelry is worn or if the jewelry cannot be removed, it is cleaned and covered with a sterile glove; (CCR 1751.5[b][3])

Head and facial hair is kept out of critical area or covered (CCR 1751.5[b][4]); and

Gloves of low-shedding material are worn. (CCR 1751.5[b][5])

CORRECTIVE ACTION OR ACTION PLAN: _____

_____

16. Training of Sterile Injectable Compouding Staff, Patient, and Caregiver (CCR 1751.6)

Yes No N/A

☐☐☐ Consultation is available to the patient and/or primary caregiver concerning proper use of sterile injectable products and related supplies furnished by the pharmacy. (CCR 1751.6[a])

☐☐☐ The pharmacist-in-charge ensures that all pharmacy personnel engaging in compounding sterile injectable drug products has training and demonstrated competence in the safe handling of those products, including cytotoxic agents if the pharmacy compounds such agents. (CCR 1751.6[b])

☐☐☐ Records of training and demonstrated competence are available for each individual and are retained for three years beyond the employment period. (CCR 1751.6[c])

☐☐☐ The pharmacist-in-charge ensures the continuing competence of pharmacy personnel engaged in compounding sterile injectable products. (CCR 1751.6[d])

☐☐☐ When compounding sterile products from one or more non-sterile ingredients, the pharmacy complies with the following training requirements: (CCR 1751.6[e])

☐☐☐ The pharmacy follows a written program of training and performance evaluation designed to ensure that each person working in the designated area has the knowledge and skills necessary to perform their assigned tasks properly. This program of training and performance evaluation addresses the following: (CCR 1751.6[e][1][A-J])

Aseptic technique;

Pharmaceutical calculations and terminology;

Sterile product compounding documentation;

Quality assurance procedures;

Proper gowning and gloving technique;

General conduct in the controlled area;

Cleaning, sanitizing, and maintaining equipment used in the controlled area;

Sterilization techniques; and

Container, equipment, and closure system selection.

☐☐☐ Each person assigned to the controlled area successfully completes practical skills training in aseptic technique and aseptic area practices. (CCR 1751.6[e][2])

Evaluation includes written testing and a written protocol of periodic routine performance checks involving adherence to aseptic area policies and procedures. (CCR 1751.6[e][2])

Each person's proficiency and continuing training is reassessed every 12 months. (CCR 1751.6[e][2])

Results of these assessments are documented and retained in the pharmacy for three years. (CCR 1751.6[e][2])

CORRECTIVE ACTION OR ACTION PLAN: _____

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17. Sterile Injectable Compounding Quality Assurance and Process Validation (CCR 1751.7)

Yes No N/A

☐☐☐ There is a written, documented, ongoing quality assurance program maintained by the pharmacy that monitors personnel performance, equipment, and facilities, and the pharmacist-in-charge assures that the end-product meets the required specifications by periodic sampling. (CCR 1751.7[a])

☐☐☐ The Quality Assurance Program contains at least the following: (CCR 1751.7[a][1-4])

Cleaning and sanitization of the parenteral medication preparation area;

The storage of compounded sterile injectable products in the pharmacy and periodic documentation of refrigerator temperature;

Actions to be taken in the event of a drug recall; and

Written justification of the chosen expiration dates for compounded sterile injectable products in accordance with CCR 1735.2[h]).

☐☐☐ Each individual involved in the preparation of sterile injectable products successfully completes a validation process on technique before being allowed to prepare sterile injectable products. (CCR 1751.7[b])

The validation process is carried out in the same manner as normal production, except that an appropriate microbiological growth medium is used in place of the actual product used during sterile preparation. (CCR 1751.7[b])

The validation process is representative of all types of manipulations, products and batch sizes the individual is expected to prepare. (CCR 1751.7[b])

The same personnel, procedures, equipment, and materials are involved. (CCR 1751.7[b])

Completed medium samples are incubated. (CCR 1751.7[b])

If microbial growth is detected, the sterile preparation process is evaluated, corrective action taken, and the validation process is repeated. (CCR 1751.7[b])

Personnel competency is revalidated and documented at least every 12 months, whenever the quality assurance program yields an unacceptable result, when the compounding process changes, equipment used in the compounding of sterile injectable drug products is repaired or replaced, the facility is modified in a manner that affects airflow or traffic patterns, or whenever aseptic techniques are observed. (CCR 1751.7[b])

☐☐☐ Batch produced sterile injectable drug products compounded from one or more non-sterile ingredients are subject to documented end product testing for sterility and pyrogens and are quarantined until the end product testing confirms sterility and acceptable levels of pyrogens. (CCR 1751.7[c])

CORRECTIVE ACTION OR ACTION PLAN: _____

_____

18. Sterile Injectable Compounding Reference Materials (CCR 1751.8)

Yes No N/A

☐☐☐ Current and appropriate reference materials regarding the compounding of sterile injectable products are maintained or immediately available to the pharmacy. (CCR 1751.8)

CORRECTIVE ACTION OR ACTION PLAN: _____

_____

PHARMACIST-IN-CHARGE CERTIFICATION:

I, (Please print) _____, RPH # _____ hereby certify that I have completed the self-assessment of this pharmacy of which I am the pharmacist-in-charge. I understand that all responses are subject to verification by the Board of Pharmacy. I further state under penalty of perjury that the information contained in this self-assessment form is true and correct.

Signature _____ Date _____
(Pharmacist-in-Charge)

PIC Initials

Attachment 5

Proposed Addition to 16 CCR § 1785 Self-Assessment of a Veterinary Food-Animal Drug Retailer

- Regulation Language
- Self-Assessment Form

Board of Pharmacy
Specific Language to Add Section 1785

Add Section 1785 to Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1785. Self-Assessment of a Veterinary Food-Animal Drug Retailer by the Designated Representative-in-Charge.

(a) The designated representative-in-charge of each veterinary food-animal drug retailer as defined under section 4041 of the Business and Professions Code shall complete a self-assessment of the wholesaler's compliance with federal and state pharmacy law. The assessment shall be performed before July 1 of every odd-numbered year. The primary purpose of the self-assessment is to promote compliance through self-examination and education.
(b) In addition to the self-assessment required in subdivision (a) of this section, the designated representative-in-charge shall complete a self-assessment within 30 days whenever:
(1) A new veterinary food-animal drug retailer permit is issued, or
(2) There is a change in the designated representative-in-charge. The new designated representative-in-charge of a wholesaler is responsible for compliance with this subdivision.
(3) There is a change in the licensed location of a veterinary food-animal drug retailer to a new address.
(c) The components of this assessment shall be on Form 17M-40 entitled "Veterinary Food-Animal Drug Retailer Self-Assessment" which is hereby incorporated by reference to evaluate compliance with federal and state laws and regulations.
(d) Each self-assessment shall be kept on file in the licensed premises for three years after it is completed.
(e) The veterinary food-animal drug retailer is jointly responsible with the designated representative-in-charge for compliance with this section.

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4022.5, 4201, and 4196 Business and Professions Code.

California State Board of Pharmacy
1625 North Market Boulevard, Suite N219, Sacramento, CA 95834
Phone (916) 574-7900
Fax (916) 574-8618
www.pharmacy.ca.gov

STATE AND CONSUMERS SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
ARNOLD SCHWARZENEGGER, GOVERNOR

VETERINARY FOOD-ANIMAL DRUG RETAILER SELF ASSESSMENT

All legal references used throughout this self-assessment form are explained on Page 17
All references to "drugs" throughout this self–assessment refer to dangerous drugs and dangerous devices as defined in Business & Professions Code (B&P) section 4022. (http://www.pharmacy.ca.gov/laws_regs/lawbook.pdf) Dangerous drug or dangerous device means any drug or device unsafe for self-use in humans or animals.

Definitions:

"Veterinary Food-Animal Drug Retailer" (vet retailer) is an area, place or premises, other than a pharmacy that holds a valid license from the California State Board of Pharmacy as a wholesaler and, in and from which veterinary drugs for food-producing animals are dispensed pursuant to a prescription from a licensed Veterinarian. It is a separate and additional license from a wholesaler license. Veterinary food–animal drug retailer includes but is not limited to any area, place or premises described in a permit issued by the board wherein veterinary food-animal drugs (as defined in Business & Professions Code section 4042) are stored, possessed, or repackaged, and from which veterinary drugs are furnished, sold, or dispensed at retail pursuant to a prescription from a licensed veterinarian.

'Veterinary Food–Animal Drugs" include any drug to be used in food-producing animals bearing the legend "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian" or words of similar import. Also included is any drug as defined in Section 14206 of the Food and Agriculture Code that is used in a manner that would require a veterinary prescription.

Veterinary Food-Animal Drug Retailer Name_____

Address_____

Phone_____

E-mail address (optional)_____

Ownership: Please mark one

☐ Sole owner ☐ Partnership ☐ Corporation ☐ LLC

☐ Non-licensed owner ☐ other (please specify) _____

CA Veterinary Food-Animal Drug Retailer Permit #_____ Expiration Date_____

CA Wholesaler Permit #_____ Expiration Date_____

DEA Registration #_____ Expiration Date_____

Date of most recent DEA Inventory_____

Hours: Daily _____Sat_____ Sun_____ 24 hours_____

Designated representative-in charge (DRIC) /pharmacist (RPH)_____

DRIC License # / RPH License #_____ Expiration Date_____

Licensed Veterinary Food-Animal Drug Retailer Staff (designated representative (DRep, pharmacist):

1._____DRep/RPH#_____ Exp. Date_____

2. _____ DRep/RPH#_____Exp. Date_____

Please mark the appropriate box for each question. If "NO," enter an explanation on the "CORRECTIVE ACTION OR ACTION PLAN" lines at the end of the section. If more space is needed, add additional sheets.

1. Ownership/Location

Yes No N/A

☐☐☐ Review the current veterinary food-animal drug retailer permit for this business. Are the listed owners correct and is the listed address correct? If either is incorrect, notify the board in writing. (B&PC 4196 [a] [d])
Attach a copy of the notification letter to the board to this document.

CORRECTIVE ACTION OR ACTION PLAN_____

_____

2. Facility

Yes No N/A

☐☐☐ Are only pharmacists, intern pharmacists, designated representatives, and authorized officers of the law, or a person authorized to prescribe, permitted in the area place or premises described in the permit as a veterinary food-animal drug retailer without supervision? (B&P 4196[c])

☐☐☐ Is a pharmacist or designated representative responsible for any person who enters the premises for clerical, inventory control, housekeeping, delivery, maintenance, or similar functions related to the business of a veterinary food animal drug retailer? (B&P 4196[c])

☐☐☐ Are all veterinary food-animal drugs stored in a secure, lockable area? (B&P 4197[a][1])

Premises, Fixtures and equipment: (B&P 4197[a][2])

☐☐☐ Fixtures and equipment -Clean and orderly
☐☐☐ Premises - dry
☐☐☐ Premises - well ventilated
☐☐☐ Premises - Adequately lighting

CORRECTIVE ACTION OR ACTION PLAN_____

_____

DRIC Initials _____

3. Designated Representative-in-Charge/Owner Responsibilities

Yes No N/A

☐☐☐ Are the owner and the designated representative-in-charge both equally responsible for maintenance of the records and inventory? (B&P 4081[b])

☐☐☐ Is the designated representative-in-charge responsible for the veterinary food-animal drug retailer's compliance with all state and federal laws related to practice as a veterinary food-animal drug retailer? (B&P 4196[d]).

☐☐☐ Has the owner notified the board within 30 days of the termination of the designated representative-in-charge or pharmacist? (B&P 4305.5[a])

☐☐☐ Has the owner identified and notified the board of the appointment of a new designated representative-in-charge within 30 days of the termination of the former designated representative-in-charge? (B & P 4196[d], 4331[b]. The appropriate form for this notification is a "Change of Designated Representative-in-Charge", which is available on the board's web site.

☐☐☐ Has any designated representative-in-charge who ends his or her employment at a wholesaler, notified the board within 30 days? (B & P 4305.5[c], 4101[b]. This notification is in addition to that required of the owner.

CORRECTIVE ACTION OR ACTION PLAN_____

_____

4. Designated Representative/Pharmacist

Yes No N/A

☐☐☐ Does your veterinary food-animal drug retailer operate only when a pharmacist or veterinary designated representative is on the premises? (4053[c])

☐☐☐ Is the address of the veterinary designated representative(s) current on their printed permit? (B&P4100,1704)

☐☐☐ If a veterinary designated representative or pharmacist changes his/her name or personal address of record, he/she will notify the board in writing within 30 days? (B&P 4100, CCR 1704)

☐☐☐ A pharmacist or veterinary retailer designated representative only dispenses drugs for use on food-producing animals on the basis of a written, electronically transmitted or oral order received from a licensed veterinarian? (CCR 1780.1[d])

☐☐☐ Only a pharmacist or the veterinary designated representative receives an oral order for a veterinary food-animal drug from the veterinarian? (CCR 1780.1[d])

DRIC Initials _____

Yes No N/A

☐☐☐ A written copy of any oral prescription is sent or electronically transmitted to the prescribing veterinarian within 72 hours? (CCR 1780.1[d])

CORRECTIVE ACTION OR ACTION PLAN_____

_____

5. Ordering Drugs by this Business for Future Sale/Transfer or Trade

Yes No N/A

☐☐☐ Are drugs ordered only from a business licensed by this board or from a licensed manufacturer? (B&P 4163[b], 4169)

CORRECTIVE ACTION OR ACTION PLAN_____

_____

6. Receipt of Drugs by this Business

Yes No N/A

☐☐☐ When drugs are received by your business, are they delivered to the licensed wholesale premises, and received by and signed for only by a designated representative or a pharmacist? (B&P 4059.5[a])

CORRECTIVE ACTION OR ACTION PLAN_____

_____

7. Drug Stock

Yes No N/A

☐☐☐ Is all drug stock open for inspection during regular business hours? (B&P 4081[a])

☐☐☐ Do all drugs you sell conform to the standards and tests for quality and strength provided in the latest edition of United States Pharmacopoeia or Sherman Food Drug and Cosmetic Act? (B&P 4342[a])

☐☐☐ If dangerous drugs, legend drugs or extra label use drugs are returned to the veterinary food-animal drug retailer from a client are they treated as damaged or outdated prescription drugs and stored in the quarantine area specified in California Code of Regulations section 1780(3)(1) and are not returned to stock, or dispensed, distributed or resold? (CCR 1780.1)

DRIC Initials _____

CORRECTIVE ACTION OR ACTION PLAN _____

_____

8. Prescription Dispensing

Yes	No	N/A	
☐	☐	☐	Are dangerous drugs and extra label use drugs for use on food producing animals dispensed to clients pursuant to a prescription written by a veterinarian? (CCR 1780.1[a][d])
☐	☐	☐	Are dangerous drugs, and extra label use drugs prepared and labeled by a pharmacist or designated representative only? (CCR 1781.1[d])
☐	☐	☐	A veterinarian's prescription for a food-producing animal can only be refilled if the initial prescription issued indicated a specific number of refills. If no refills are indicated on the initial prescription, no refills may be dispensed. Instead a new prescription must be obtained from the veterinarian? (CCR 1780.1[g][1])
☐	☐	☐	No veterinary food-animal drug prescriptions are refilled over six months from the date of issuance of the initial order? (CCR 1780.1[g][2])
☐	☐	☐	Are prescriptions partially filled? If unable to fill the full quantity of drugs prescribed, fill and ship a portion of the order, so long as the full quantity is shipped within 30 days? (CCR 1780.1[j])
			When partially filling a prescription, does the pharmacist or veterinary designated representative note the following information on the written prescription for each date the drugs are shipped: (CCR 1780.1[j])
☐	☐	☐	Quantity shipped?
☐	☐	☐	Date shipped?
☐	☐	☐	Number of containers shipped?
☐	☐	☐	If multiple containers, each container must be sequentially numbered?
☐	☐	☐	If unable to fill the full quantity of a prescription within 30 days, has a new veterinarian's prescription been written to fill the remainder of the drugs originally prescribed? (CCR 1780.1[j])

CORRECTIVE ACTION OR ACTION PLAN _____

_____

DRIC Initials _____

9. Prescription Labeling

Yes No N/A

☐☐☐ Does only a pharmacist or veterinary designated representative prepare and affix the label to a veterinary food-animal drug product?

Pursuant to a veterinarian's prescription, are prescription labels affixed to all drug containers that include: (CCR 1780.1[h][1-14])

☐☐☐ Active ingredients or the generic name(s) of the drug?

☐☐☐ Manufacturer of the drug?

☐☐☐ Strength of the drug dispensed?

☐☐☐ Quantity of the drug dispensed?

☐☐☐ Name of the client?

☐☐☐ Species of food-producing animal for which the drug is described?

☐☐☐ Condition for which the drug is prescribed?

☐☐☐ Directions for use?

☐☐☐ Withdrawal time?

☐☐☐ Cautionary statements, if any?

☐☐☐ Name of the veterinarian prescriber?

☐☐☐ Date dispensed?

☐☐☐ Name and address of the veterinary food-animal drug retailer?

☐☐☐ Prescription number or another means of identifying the prescription?

☐☐☐ If an order is filled in multiple containers, a sequential numbering system to provide a means to identify multiple units if shipped to the same client from the same prescription? (container 1 of 6, container 2 of 6)

☐☐☐ Manufacture's expiration date?

CORRECTIVE ACTION OR ACTION PLAN_____

_____

10. Repackaging

Definition - Repackaging within the meaning of B&P 4041 means that a veterinary food-animal drug retailer may break down case lots of dangerous drugs as described in 4022(a) or extra label use drugs, so long as the seals on the individual containers are not broken.

Yes No N/A

☐☐☐ Are only sealed original manufacturer's containers labeled for distribution to clients? Veterinary retailers or wholesalers cannot open a container and count out or measure out any quantity of a dangerous legend or extra label use drug. (CCR 1780.1[b])

DRIC Initials _____

CORRECTIVE ACTION OR ACTION PLAN_____

_____

11. Sale or Transfer of Drugs by this Business

Yes No N/A

☐☐☐ Are all dangerous drugs and extra label drugs that are sold, only sold pursuant to a prescription issued by a veterinarian to a veterinarian's client for use on food-producing animals? (CCR 1780.1[a])

☐☐☐ No dangerous drugs or extra label drugs are sold, traded or transferred at wholesale by the veterinary retailers? (B&P 4041)

☐☐☐ Are practices in place to prevent dangerous drugs from being sold, traded or transferred if the vet retailer or wholesaler knew or reasonably should have known the drugs were adulterated as defined by CA Health & Safety Code section 111250, misbranded as defined by CA Health & Safety Code section 111335, or beyond the use date on the label? (B&P 4169[a])

☐☐☐ List any incidents where adulterated, misbranded or expired drugs were purchased, sold, traded or transferred by this business in the past 2 years.

_____

_____

☐☐☐ Do your advertisements for dangerous drugs or devices contain false, fraudulent, misleading or deceptive claims? (B&P 4341, 4651, CCR 1766)

☐☐☐ Do you offer any rebates, refunds, commissions or preferences, discounts, or other considerations for referring clients? If your business has any of these arrangements, please list with whom? (B&P 650)

_____

_____

If your business sells, transfers or delivers dangerous drugs outside of California, either to another state within the United States or a foreign country, do you comply with:

☐☐☐ All CA pharmacy and veterinary laws related to the distribution of drugs?

☐☐☐ The pharmacy law and veterinary laws of the receiving state within the United States?

☐☐☐ The statutes and regulations of the Federal Food and Drug Administration and the Drug Enforcement Administration?

☐☐☐ All laws of the receiving foreign country related to drugs for food producing animals?

DRIC Initials _____

Yes No N/A
☐☐☐ All applicable federal regulations regarding the exportation of dangerous drugs?

Describe how you determine a client in a foreign country is authorized to receive dangerous drugs or dangerous devices. (B&P 4059.5[e])

_____

_____

CORRECTIVE ACTION OR ACTION PLAN_____

_____

12. Delivery of Drugs

Yes No N/A
☐☐☐ Upon delivery of appropriately labeled prescription drugs or extra label drugs to a client, pursuant to a veterinarian's prescription, do you obtain the signature of the client, or the client's agent, on the invoice with notations of any discrepancies, corrections or damage? (CCR 1780.1[k])

CORRECTIVE ACTION OR ACTION PLAN_____

_____

13. Controlled Substances

Yes No N/A
☐☐☐ If a controlled substance is dispensed, are the labels on the containers countersigned by the prescribing veterinarian before being provided to the client? (CCR1780.1[e])

Note: Please refer to "Controlled Substances" section of the Wholesaler Self Assessment for additional controlled substance statutes, regulations, and requirements your business must follow

CORRECTIVE ACTION OR ACTION PLAN_____

_____

14. Consultant Pharmacist

Yes No N/A
☐☐☐ Does your consulting pharmacist assure compliance with all statutes and regulations governing veterinary food-animal drug retailers? (B&P 4198[e])

DRIC Initials _____

Yes No N/A

☐☐☐ Does your consultant pharmacist visit routinely, but at least quarterly? (B&P 4198[e])

Does your consultant pharmacist: (B&P 4198[e])

☐☐☐ Review and revise policies and procedures?

☐☐☐ Assure compliance with state and federal statutes and regulations for labeling, storage and dispensing of veterinary food-animal drugs?

☐☐☐ Provide a written report twice yearly certifying whether or not the veterinary food-animal drug retailer is operating in compliance with the requirements of this chapter?

☐☐☐ Are these written reports readily available for inspection upon request?

CORRECTIVE ACTION OR ACTION PLAN_____

_____

15. Designated Representative Training.

Yes No N/A

☐☐☐ Does your business prepare and maintain records of training and demonstrated competence for each individual employed or retained by you? (B&P 4198[b])

☐☐☐ Are records of training and demonstrated competence for each employee maintained for 3 years after the last date of employment? (B&P 4198[b])

CORRECTIVE ACTION OR ACTION PLAN_____

_____

16. Quality Assurance Program

Does your business have an ongoing, documented quality assurance program, which includes but is not limited to: (B&P 4198 [c])

Yes No N/A

☐☐☐ Monitoring personnel performance?

☐☐☐ Storage of veterinary food-animal drugs?

☐☐☐ Maintenance of equipment?

☐☐☐ Dispensing of veterinary food-animal drugs?

CORRECTIVE ACTION OR ACTION PLAN_____

_____

DRIC Initials _____

17. Policies and Procedures

Does your business maintain and adhere to policies and procedures for: (B&P 4198)

Yes	No	N/A	
☐	☐	☐	Handling of veterinary food animal drugs?
☐	☐	☐	Dispensing of veterinary food animal drug?
☐	☐	☐	Staff training records?
☐	☐	☐	Cleaning of equipment?
☐	☐	☐	Storage and maintenance of veterinary food –animal drugs?
☐	☐	☐	Storage and maintenance of equipment?
☐	☐	☐	Record keeping requirements?
☐	☐	☐	Storage requirements?
☐	☐	☐	Security requirements?
☐	☐	☐	Quality assurance?

CORRECTIVE ACTION OR ACTION PLAN_____

_____

18. Record Keeping Requirements

Purchase and Sales Records

Yes	No	N/A	
☐	☐	☐	Are all records of acquisition and disposition of dangerous drugs, retained on the premises, open for inspection, during regular business hours? (B&P 4081, 4332, CCR 1718)
☐	☐	☐	Are all prescription documents and other disposition records for dangerous drugs or extra label use drugs dispensed by a vet food-animal drug retailer kept on file and maintained on the premises for 3 years? (B&P 4198[b])
☐	☐	☐	Are all records of prescription refills retained by your business on the premises for 3 years? (CCR1780.1[I], B&P 4081[a], 4332)
☐	☐	☐	Are all purchase and sales records retained in a readily retrievable form? (B&P 4105[a])

Yes	No	N/A	
☐	☐	☐	Are records of shipment of labeled dangerous drugs to clients (also known as an expanded invoice) included in the client's shipment? This document includes: (CCR1780.1[i])
☐	☐	☐	Drug name?
☐	☐	☐	Quantity shipped?
☐	☐	☐	Manufacturer's name and lot number?

DRIC Initials _____

Yes No N/A

☐☐☐ Date of shipment?

☐☐☐ Name of the pharmacist or vet retailer exemptee who is responsible for the distribution?

☐☐☐ Are copies of the records of shipment (also known as the expanded invoice) distributed to the prescribing veterinarian? (CCR 1780.1 [i])

☐☐☐ Are copies of the records of shipment (also known as the expanded invoice) of labeled dangerous drugs retained by your business for 3years? (CCR 1780.1[I])

Inventory

Yes No N/A

☐☐☐ Is a current, accurate inventory maintained for all dangerous drugs (B&P 4081[a], CCR 1718)

Consultant Pharmacist

Yes No N/A

☐☐☐ Are consultant pharmacist semi-annual reports retained by your business for 3 years from the making? (B&P 4198 [e])

Quality Assurance

Yes No N/A

☐☐☐ Is quality assurance documentation retained for 3 years from the making? (B&P 4198[d])

Policies and Procedures

Yes No N/A

☐☐☐ Are all policies and procedures specified in section 4198(a) maintained for 3 years from the making? (B&P 4198(b)

☐☐☐ Are all policies and procedures, documents related to the quality assurance program, and all records of employee training and demonstrated competency open for inspection by authorized officers of the law? (B&P 4198[b])

Temporary removal of records

Yes No N/A

☐☐☐ If you temporarily remove purchase or sales records from your business, does your business retain, on your licensed premises at all times, a photocopy of each record temporarily removed? (B&P 4105[b])

DRIC Initials _____

Off-site storage waiver

Yes No N/A

☐☐☐ Are required records stored off-site only if a board issued written waiver has been granted? (CCR 1707[a])

☐☐☐ If your business has a written waiver, write the date the waiver was approved and the off-site address where the records are stored below: (CCR 1707[a])

_____

_____

Yes No N/A

☐☐☐ If an off-site written waiver is in place, is the storage area secure from unauthorized access? (CCR 1707[b][1])

☐☐☐ If an off-site waiver is in place, are the records stored off-site retrievable within 2 business days? (1707[b][1])

CORRECTIVE ACTION OR ACTION PLAN_____

_____

19. Reporting Requirements to the Board

Ownership

Yes No N/A

☐☐☐ I understand this veterinary retailer license is not transferable to a new owner. A change of ownership must be reported to this board, as soon as the parties have agreed to the sale. Before the ownership actually changes, an additional application for a temporary permit must be submitted, in addition to an application for a permanent new permit, to the board, if the new owner wants to conduct business while the board is processing the change of ownership application and until the new permanent permit is issued. A company cannot transfer the ownership of the business via a contract with another individual or business, without the board's approval. (B&P 4201[h][I], 4196[b], CCR 1709[b])

☐☐☐ Are transfers, in a single transaction or a series of transactions, of 10% or more of the beneficial interest in a business licensed by the board to a person who did not hold beneficial ownership interest at the time of the initial permit was issued, reported in writing to the board within 30 days of the transaction? (CCR 1709[b])

☐☐☐ Any transfer of a beneficial interest in a business licensed by the board, in a single transaction or series of transactions, to a person or entity, which results in the transferee holding 50% or more shall constitute of change of ownership and an application must be submitted to the board for a change of ownership. (CCR 1709 [c])

DRIC Initials _____

Yes No N/A

☐☐☐ When called upon by an inspector, can the business owner or manager, produce information indicating the names of the business owners, managers and employees and a brief statement of the capacity for each person employed by the business? (B&P 4082)

Veterinarian

Yes No N/A

☐☐☐ Whenever a veterinary designated representative dispenses to the same client for use on the same production class of food-animals, dangerous drugs, or extra label use drugs prescribed by multiple veterinarians, does the veterinary designated representative contact the prescribing veterinarians for authorization before dispensing any drugs? (CCR 1780.1[f])

☐☐☐ Are copies of expanded invoices, documenting sales of dangerous drugs, distributed to the prescribing veterinarian within 72 hours of dispensing? (CCR 1780.1[I]).

☐☐☐ Is a written copy of any oral prescription received by either a pharmacist or designated representative of the veterinary food-animal drug retailer sent or electronically transmitted to the prescribing veterinarian within 72 hours? (CCR 1780.1[d])

Consultant Pharmacist

Yes No N/A

☐☐☐ Does the consultant pharmacist provide written certification every 6 months that your business is or is not in compliance with all applicable statutes and regulation? (B&P 4198[e])

☐☐☐ Does your business submit the most recent consultant pharmacist report with the annual application to renew the veterinary food-animal drug retailer license with this board? (B&P 4198[e])

Designated Representative in Charge/ Designated Representative

Yes No N/A

☐☐☐ If a designated representative-in-charge terminates employment at this business, does the business notify the board within 30 days of the termination? (B&P 4101[b], 4305.5[c])

☐☐☐ When a veterinary designated representative leaves the employ of a veterinary food-animal drug retailer, would the business owner immediately return the exemptee license to the Board of Pharmacy? (CCR 1780.1[l])

☐☐☐ When a designated representative in charge terminates employment at this business, does the designated representative in charge notify the board within 30 days of the termination.? This requirement is in addition to the requirement for the owner to notify this board. (B&P 4101[c])

DRIC Initials _____

Discontinuation of Business

Yes No N/A

☐☐☐ I understand if this business is discontinued, the owner must notify the board in writing before the actual discontinuation of business? (CCR 1708.2).

☐☐☐ I understand the owner of this business must immediately notify the board in writing if any assignment is made for the benefit of creditors, if the business enters into any credit compromise arrangement, files a petition in bankruptcy, has a receiver appointed, or enters into liquidation or any other arrangement that might result in the sale or transfer of drugs? (CCR 1705)

Controlled substances (if applicable)

Yes No N/A

☐☐☐ Does the owner report to the board within 30 days of discovery, any loss of controlled substances, including amounts and strengths of the missing drugs? (CCR 1715.6)

☐☐☐ Does the owner notify the DEA, on a DEA form 106, of any theft or significant loss of controlled substances upon discovery? (CFR 1301.74[c])

☐☐☐ Do your employees know about their obligation to report any known diversion or loss of controlled substances to a responsible person within your business? (CFR 1301.91)

Yes No N/A

☐☐☐ If the business holds a DEA registration, does the owner understand the requirement to notify the DEA promptly of the discontinuation of the business and all unused DEA 222 order forms must be returned to the DEA? (CFR1301.52[a], 1305.14)

CORRECTIVE ACTION OR ACTION PLAN_____

_____

20. Additional Licenses/Permits Required

List all licenses and permits required to conduct this business, including local business licenses, wholesaler licenses held in other states, permits or licenses required by foreign countries or other entities (B&P 4107, 4059[a], CFR 1305.11[a])

_____

_____

_____

DRIC Initials _____

Designated Representative-in-Charge/Pharmacist Certification:

DESIGNATED REPRESENTATIVE-IN-CHARGE CERTIFICATION:

I, (Please print) _____, RPH # _____ hereby certify that I have completed the self-assessment of this veterinary food-animal drug retailer of which I am the designated representative-in-charge. I understand that all responses are subject to verification by the Board of Pharmacy. I further state under penalty of perjury that the information contained in this self-assessment form is true and correct.

Signature _____ Date _____
(Designated Representative-in-Charge)

Legal References used in the self-assessment forms (California Code of Regulations [CCR], Title 16 and Title 24, and Business and Professions Code [B&P], Chapter 9, Division 2) can be found in the *California Pharmacy Law* (below) or visit the Board of Pharmacy Web site at www.pharmacy.ca.gov under *California Pharmacy Law and Index.*

The Health and Safety Code (H&SC), Division 10, Uniform Controlled Substances Act is also in the *California Pharmacy Law* (below) or you can visit the Board of Pharmacy Web site at www.pharmacy.ca.gov under *California Pharmacy Law and Index.*

California Code of Regulations (CCR), Chapter 1, Division 5, Title 22, and other references can be found in the California State Law Library or county law libraries.

Code of Federal Regulations (CFR), Title 21, Chapter II, Drug Enforcement Administration, may be found at www.dea.gov.

California Board of Pharmacy
1625 N. Market Blvd., Suite N219
Sacramento CA 95834
(916) 574-7900
fax: (916) 574-8618
www.pharmacy.ca.gov

California Pharmacy Law may be obtained by contacting:
Law Tech
1060 Calle Cordillera, Suite 105
San Clements CA 92673
(800) 498-0911 Ext. 5
www.lawtech-pub.com

Pharmacist Recovery Program
(800) 522-9198 (24 hours a day)

Atlantic Associates, Inc. (CURES)
Prescription Collection
8030 S. Willow Street, Bldg. III, Unit 3
Manchester NH 03103
Phone: (888) 539-3370
Fax: 877-508-6704

Bureau of Narcotic Enforcement
Security Prescription and CURES Programs
1102 Q Street, 6th Fl.
Sacramento, CA 95817
(916) 319-9062
Fax: (916) 319-9448
http://www.ag.ca.gov/bne

CURES Patient Activity Report Request Forms:
http://www.ag.ca.gov/bne/trips.php

PRESCRIBER BOARDS:

Medical Board of California
1426 Howe Avenue, Suite 54
Sacramento CA 95825
(800) 633-2322
(916) 263-2499
Fax: (916) 263-2387
http://www.mbc.ca.gov

Dental Board of California
1432 Howe Ave. #85
Sacramento, CA 95825
(916) 263-2300
fax: (916) 263-2140
http://www.dbc.ca.gov

Board of Registered Nursing
1625 N. Market Blvd., Suite N217
Sacramento, CA 95834
(916) 322-3350
fax: (916) 574-8637
http://www.rn.ca.gov/

Board of Optometry
2420 Del Paso Road, Suite 255
Sacramento, CA 95834
(916) 575-7170
fax: (916) 575-7292
http://www.optometry.ca.gov/

Osteopathic Medical Board of California
2720 Gateway Oaks Drive, #350
Sacramento, CA 95833
(916) 263-3100
fax: (916) 263-3117
http://www.ombc.ca.gov

Physician Assistant Committee
1424 Howe Avenue, #35
Sacramento, CA 95825
(916) 561-8780
fax: (916) 263-2671
http://www.physicianassistant.ca.gov

Board of Podiatric Medicine
1420 Howe Avenue, #8
Sacramento, CA 95825
(800) 633-2322
(916) 263-2647
fax: (916) 263-2651
http://www.bpm.ca.gov

Veterinary Medical Board
1420 Howe Avenue, #6
Sacramento, CA 95825
(916) 263-2610
fax: (916) 263-2621
http://www.vmb.ca.gov

FEDERAL AGENCIES:

Food and Drug Administration – Industry Compliance
http://www.fda.gov/oc/industry/centerlinks.html#drugs

The **Drug Enforcement Administration** may be contacted at:

DEA Website:
http://www.deadiversion.usdoj.gov

Online Registration – New Applicants:
http://www.deadiversion.usdoj.gov/drugreg/reg_apps/onlineforms_new.htm

Online Registration - Renewal:
www.deadiversion.usdoj.gov/drugreg/reg_apps/onlineforms.htm

Registration Changes (Forms):
http://www.deadiversion.usdoj.gov/drugreg/change_requests/index.html

DEA Registration Support (all of CA):
(800) 882-9539

Online DEA 106 Theft/Loss Reporting:
https://www.deadiversion.usdoj.gov/webforms/app106Login.jsp

Online DEA 222 Controlled Substance Ordering System (CSOS):
http://www.deaecom.gov/

DEA - Fresno
2444 Main Street, Suite 240
Fresno, CA 93721
Registration: (888) 304-3251 or
(415) 436-7900
Diversion or Investigation: (559) 487-5402

DEA - Los Angeles
255 East Temple Street, 20th Floor
Los Angeles CA 90012
(888) 415-9822 or (213) 621-6960 (Registration)
(213) 621-6942 or 6952
(Diversion or Investigation)

DEA – Oakland
1301 Clay Street, Suite 460N
Oakland, CA 94612
Registration: (888) 304-3251 or
(415) 436-7900
Diversion or Investigation: (510) 637-5600

DEA – Redding
310 Hensted Drive, Suite 310
Redding, CA 96002
Registration: (888) 304-3251 or
(415) 436-7900
Diversion or Investigation: (530) 246-5043

DEA - Riverside
4470 Olivewood Avenue
Riverside, CA 92501-6210
Registration: (888) 415-9822 or
(213) 621-6960
Diversion or Investigation: (909) 328-6000 or
(909) 328-6200

DEA - Sacramento
4328 Watt Avenue
Sacramento CA 95821
Registration: (888) 304-3251 or
(415) 436-7900
Diversion or Investigation: (916) 480-7100 or
(916) 480-7250

DEA – San Diego and Imperial Counties
4560 Viewridge Avenue
San Diego, CA 92123-1637
Registration: (800) 284-1152
Diversion or Investigation: (858) 616-4100

Attachment 6

Proposed Addition to 16 CCR § 1751.8 – Accreditation Agencies for Pharmacies that Compound Injectable Sterile Drug Products

- Regulation Language

Board of Pharmacy
Specific Language to Add Section 1751.8

Add Section 1751.8 to Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1751.8 – Accreditation Agencies for Pharmacies that Compound Injectable Sterile Drug Products

(a) Agencies seeking to become approved accrediting agencies for pharmacies that compound sterile injectable drugs pursuant to Business and Professions Code section 4127.1, shall provide evidence satisfactory to the board that:
  (1) The accrediting agency performs site inspections and re-accreditation reviews of each accredited pharmacy at least every three years.
  (2) The standards for granting accreditation and scoring guidelines for those standards reflect California law and sound professional practice as established by nationally recognized professional or standard-setting organizations.
  (3) The surveyors who perform site inspections possess qualifications necessary to evaluate the professional practices subject to accreditation.
  (4) The accrediting agency is recognized by at least one California healthcare payors (e.g., HMOs, PPOs, PBGH, CalPERS).
  (5) The accrediting agency is able to accredit California and non-resident pharmacies.

(b) An agency seeking recognition from the board to become an approved accrediting agency must submit a comparison of the agency's sterile compounding standards with each of the components of this article and other California law regarding sterile injectable compounding. The applicant agency's request will not be processed unless the comparison demonstrates the agency's standards are in compliance with California Pharmacy Law.

(c) The board shall consider the length of time the agency has been operating as an accrediting agency.

(d) The board shall be able to obtain access to an approved accrediting agency's report on individual pharmacies.

(e) On an annual basis, no later than July 1 of each year, an approved accrediting agency will submit a report to the board listing all board-licensed facilities that have been accredited during the past 12 months.

(f) The board may conduct unannounced inspections of accredited sites to determine if the licensed facility is in compliance with California law and good professional practice.

(g) This approval shall be good for a period of three years. Three months before the end of the approval period, an approved accrediting agency must submit a reapplication to the board for continued recognition as an

approved accrediting agency. The Board of Pharmacy shall take action on a completed application at a scheduled board meeting.

Attachment 7

Proposed Amendment to 16 CCR § 1721 and 1723.1 – Dishonest Conduct on a Pharmacist Licensure Examination/Confidentiality

- Regulation Language

Board of Pharmacy
Specific Language

Amend Section 1721 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1721. Dishonest Conduct During Examination.

An applicant for examination as a pharmacist who engages in dishonest conduct during the examination shall not have that examination graded, shall not be approved to take the examination for ~~twelve months~~ three years from the date of the incident, and shall surrender his or her intern ~~card~~ license until eligible to take the examination. The applicant may not be issued a pharmacy technician license until the applicant is again eligible to take the examination.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Section 4200, Business and Professions Code.

Amend Section 1723.1 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1723.1. Confidentiality of Examination Questions.

Examination questions are confidential. Any applicant for any license issued by the board who removes all or part of any qualifying examination from the examination room or area, or who conveys or exposes all or part of any qualifying examination to any other person may be disqualified as a candidate for a license. The applicant shall not be approved to take the examination for three years from the date of the incident and shall surrender his or her intern license until again eligible to take the examination. The applicant may not be issued a pharmacy technician license until the applicant is again eligible to take the examination.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 123 and 496, Business and Professions Code.

Attachment 8

Proposed Amendment to 16 CCR § 1773 and Addition of 16 CCR 1773.5 – Ethics Course for Pharmacists

- Regulation Language

Board of Pharmacy
Specific Language to Amend Section 1773 and Add Section 1773.5

Amend Section 1773 to 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 medicine 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 division 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.

(b) Notwithstanding subdivision (a) of this section, coursework, which meets the minimum standards for a professional program approved by the Medical Board of California, shall be considered an approved ethics course for purposes of this section.

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

Attachment 9

Proposed Amendment to 16 CCR § 1715 – Self-Assessment Forms

- Regulation Language

BOARD OF PHARMACY
Specific Language to amend section 1715

Amend Section 1715 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1715. Self-Assessment of a Pharmacy by the Pharmacist-in-Charge.

(a) The pharmacist-in-charge of each pharmacy as defined under section 4029 or section 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law. The assessment shall be performed before July 1 of every odd-numbered year. The primary purpose of the self-assessment is to promote compliance through self-examination and education.

(b) In addition to the self-assessment required in subdivision (a) of this section, the pharmacist-in-charge shall complete a self-assessment within 30 days whenever:

(1) A new pharmacy permit has been issued, or

(2) There is a change in the pharmacist-in-charge, and he or she becomes the new pharmacist-in-charge of a pharmacy.

(c) The components of this assessment shall be on Form 17M-13 (Rev ~~10/07~~ 10/08) entitled "Community Pharmacy & Hospital Outpatient Pharmacy Self-Assessment (or Form 17M-14 (Rev ~~10/07~~ 10/08) entitled "Hospital Pharmacy Self-Assessment" which are hereby incorporated by reference to evaluate compliance with federal and state laws and regulations.

(d) Each self-assessment shall be kept on file in the pharmacy for three years after it is performed.

NOTE: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4021, 4022, 4029, 4030, 4037, 4038, 4040, 4050, 4052, 4070, 4081, 4101, 4105, 4113, 4115, 4119, 4305, 4330, 4332 and 4333, Business and Professions Code.