

Date of Hearing: July 11, 2017

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

SB 716 (Hernandez) – As Amended April 26, 2017

SENATE VOTE: 39-0

SUBJECT: California State Board of Pharmacy: pharmacy technician member

SUMMARY: Adds two additional members to the Board of Pharmacy, a pharmacy technician and an additional public member.

EXISTING LAW:

- 1) Establishes the Board of Pharmacy in the Department of Consumer Affairs (DCA) to administer and enforce the Pharmacy Law, which licenses and regulates pharmacists and pharmacy technicians (PTs), among other licensees. (Business and Professions Code (BPC) Section 4001 (a))
- 2) Requires the BOP to have 13 members, as follows:
 - a) Seven pharmacists appointed by the Governor. At least five of the seven shall be actively engaged in the practice of pharmacy. Additionally, there should be at least one pharmacist representative from each of the following practice settings: an acute care hospital, an independent community pharmacy, a chain community pharmacy, and a long-term health care or skilled nursing facility. The pharmacist appointees shall also include a pharmacist who is a member of a labor union that represents pharmacists.
 - b) The Governor shall appoint four public members, and the Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member, as specified. (BPC Section 4001 (b)(c))
- 3) Establishes an appointment term of four years for members of the BOP and prohibits members from serving more than two consecutive terms. Each member shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which the member was appointed, whichever first occurs. Vacancies occurring shall be filled by appointment for the unexpired term. (BPC Section 4001 (d))
- 4) Requires that each member of the BOP receive a per diem and expenses, as specified. (BOP Section 4001 (e))
- 5) Establishes the Board of Optometry, consisting of 11 members: five optometrists, five public members, and one of the following: a registered dispensing optician, a spectacle lens dispenser, or a contact lens dispenser. (BPC Section 3010.5)
- 6) Establishes the Board of Vocational Nursing and Psychiatric Technicians, consisting of 11 members: two licensed vocational nurses, two licensed psychiatric technicians, either a

licensed vocational nurse or a registered nurse, and six public members. (BPC Section 2841, 2842)

- 7) Authorizes a PT to perform packaging, manipulative, repetitive, or other nondiscretionary tasks only while assisting, and while under the direct supervision and control of, a pharmacist. The pharmacist shall be responsible for the duties performed under his or her supervision by a PT. (BPC Section 4115)
- 8) Prohibits a PT from performing any act requiring the exercise of professional judgment by a pharmacist. (BPC Section 4115)
- 9) Authorizes a PT working in a general acute care hospital to do the following:
 - a) Package emergency supplies for use in the health care facility and the hospital's emergency medical system.
 - b) Seal emergency containers for use in the health care facility.
- 10) Perform monthly checks of the drug supplies stored throughout the health care facility. Irregularities shall be reported within 24 hours to the pharmacist in charge and the director or chief executive officer of the health care facility in accordance with the health care facility's policies and procedures. (BPC Section 4115)

THIS BILL:

- 1) Adds a pharmacy technician and an additional public member to the Board of Pharmacy.
- 2) Increases the number of board members to 15.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

Purpose. This bill is sponsored by the *California Society of Health-System Pharmacists*. According to the Author's office, "The nature of the pharmacy technician profession has changed significantly over the years in response to changes in health care delivery and pharmacy practice. Despite their increasingly important role in the health care delivery system, pharmacy technicians currently do not have direct representation on the California State Board of Pharmacy, which regulates pharmacies and pharmacy professionals. Given the large numbers of these professionals practicing in California and the increasingly complex procedures they are being asked to perform, patient safety would be greatly improved by ensuring the Board of Pharmacy has representatives that clearly understands the practice demands for this profession."

Background. The Board of Pharmacy is comprised of 13 members who are appointed to four-year terms. Of these 13, seven are registered pharmacists appointed by the governor and four public members. The Senate Rules Committee and Speaker of the Assembly each appoint one public member to the Board. BOP is fully self-funded and survives generally off of licensing fees. The board does not currently include a pharmacy technician.

Pharmacy technicians work alongside pharmacists to perform certain tasks under direct supervision. A pharmacy technician must have a high school diploma or an equivalent, and have completed a BOP specified training program or obtained an associate degree in pharmacy technology. The BOP licenses over 72,000 pharmacy technicians.

ARGUMENTS IN SUPPORT:

The *California Society of Health-System Pharmacists* write in support of this bill that it is important that PTs have a voice on the BOP in order to facilitate practice updates. “California lags behind many states when it comes to pharmacy technician laws. For example, despite their increasingly important role in the health care delivery system, pharmacy technicians currently do not have direct representation on the California Board of Pharmacy, which provides regulatory oversight of both the pharmacist and pharmacy technician professions to ensure patient safety. Several other states recognize the need to include pharmacy technicians in regulatory oversight proceedings and have already passed bills that include pharmacy technicians on their respective governing boards. These states include Oregon, Washington, Arizona and Texas.”

ARGUMENTS IN OPPOSITION:

The *California Pharmacists Association, California Retailers Association, and the National Association of Chain Drug Stores* write: “While SB 716, as introduced, was simply to add one pharmacy technician to the Board of Pharmacy, recent amendments to the bill by the sponsor move the policy discussion into a direction that we cannot support.”

REGISTERED SUPPORT:

California Society of Health-System Pharmacists (Sponsor)

REGISTERED OPPOSITION:

California Pharmacists Association
California Retailers Association
National Association of Chain Drug Stores

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