



agents, representatives, or employees while acting within the scope of their employment.

-The Act revises standards of conduct for employment agencies, employment counseling services, and job listing services. Section 1812.504 requires every employment agency to give a written contract to every jobseeker from whom a fee or deposit is to be received, whether directly or indirectly, and section 1812.516 requires the same of every job listing service.

-The Act provides that no employment agency or job listing service shall accept a fee from any jobseeker, or send any jobseeker for employment, without having obtained, orally or in writing, a bona fide job order for employment.

-Section 1812.523 of the Act makes certain contracts entered into by reason of fraud or misrepresentation void and unenforceable and provides for a cause of action for damages by any person injured by reason of a violation of its provisions.

-Section 1812.524 *et seq.* of the Act substantially reenacts the provisions dealing with nurses' registries.

BOARD OF PHARMACY

Interim Executive Officer:

Patricia Harris
(916) 445-5014

Pursuant to Business and Professions Code section 4000 *et seq.*, the Board of Pharmacy grants licenses and permits to pharmacists, pharmacies, drug manufacturers, wholesalers and sellers of hypodermic needles. It regulates all sales of dangerous drugs, controlled substances and poisons. The Board is authorized to adopt regulations, which are codified in Chapter 17, Title 16 of the California Code of Regulations (CCR). To enforce its regulations, the Board employs full-time inspectors who investigate accusations and complaints received by the Board. Investigations may be conducted openly or covertly as the situation demands.

The Board conducts fact-finding and disciplinary hearings and is authorized by law to suspend or revoke licenses or permits for a variety of reasons, including professional misconduct and any acts substantially related to the practice of pharmacy.

The Board consists of ten members, three of whom are public. The remaining members are pharmacists, five of whom must be active practitioners. All are appointed for four-year terms.

MAJOR PROJECTS:

Regulatory Changes Rejected. The Office of Administrative Law (OAL) recently reviewed and rejected three sets of regulatory changes submitted by the Board: section 1707.1, which requires pharmacists to orally consult with patients whenever a prescription drug is dispensed for the first time; section 1717(c), which specifies the tasks which may be performed by an unlicensed person under the supervision of a licensed pharmacist; and section 1710, which defines the term "inpatient hospital pharmacy." (See CRLR Vol. 9, No. 4 (Fall 1989) p. 75 for background information on these changes.)

OAL rejected section 1707.1 because it failed to meet the clarity standard and because the Board failed to summarize and respond to all comments. Specifically, OAL wanted the Board to clarify both the contents of "medication profiles" which the rule requires pharmacists to keep on all patients, and the term "patient" for purposes of the rule. The Board has released a revised version of section 1707.1 for comments and planned to resubmit the file to OAL by the end of January.

OAL also rejected the Board's amendment to section 1717(c) due to lack of clarity. Specifically, the phrase "dispensing and related tasks" was considered unclear. The Board changed the phrase to include and define the term "packaging" and released the revised proposal for the required comment period. The Board planned to resubmit the rulemaking file to OAL by the end of January.

The Board's new section 1710, which defines inpatient hospital pharmacy, was rejected by OAL under the clarity and necessity standards and because the Board failed to include a transcript, recording, or minutes of its public hearing. The proposal was amended, released for comments, and resubmitted to OAL on December 20.

English Proficiency Examination. New section 1719, Chapter 17, Title 16 of the CCR, approved by the Board in July, would require that candidates for licensure who have been non-U.S. residents for more than ten years to take and pass the Test of Spoken English in addi-

tion to satisfying all other licensure requirements. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 75 and Vol. 9, No. 3 (Summer 1989) p. 67 for background information.) This proposal, which is deemed to have a fiscal impact, is awaiting approval by the Department of Finance at this writing.

Foreign Graduates. Following an October 25 regulatory hearing, the Board adopted new section 1720.1, Chapter 17, Title 16 of the CCR, which sets forth the acceptable method of demonstrating curriculum equivalency for foreign graduates. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 75 for background information.) The Board also adopted three other regulatory amendments. Revised section 1720(d) requires foreign graduates to complete the equivalency evaluation process within five years. Section 1720(c) was amended to clarify that the file of an applicant who fails to pay the licensing fee for a two-year period after passing the licensing examination will be deemed abandoned. The Board also adopted a technical amendment to section 1720(b). The Board submitted its rulemaking file on these proposed changes to OAL on December 20.

"Black Bag" Regulation Also on October 25, the Board held a public hearing on the proposed addition of new section 1751.10. The new section allows a pharmacist to carry and furnish dangerous drugs, other than controlled substances, to patients in the home setting. It also allows the pharmacist to furnish devices for parenteral therapy in the home, when the dangerous drug or device is one currently prescribed for the patient. The Board submitted the rulemaking file on this change to OAL on December 8.

Preprinted Prescription Pads. During its October 25 meeting, the Board discussed a draft regulation on the issue of preprinted prescription pads. If adopted, the new regulation, section 1717.3, Chapter 17, Title 16 of the CCR, would define a "preprinted, multiple check-off prescription blank" and prohibit a pharmacist from dispensing a controlled substance on these pads. The regulation would also forbid the pharmacist from dispensing a dangerous drug or device from a preprinted, multiple check-off prescription blank where more than one item is checked off.

The Board believes the use of these pads must be regulated because they lead to mistakes and have a high poten-



tial for abuse and fraud. The consensus of the Board was to attempt to limit the number of items which could be checked on each pad to one. The Board moved to table this discussion until its next meeting, when samples of the different types of pads currently in use would be made available for inspection.

Prescription Faxing. On October 25, the Board discussed whether it should take any action concerning the facsimile transmission ("faxing") of prescriptions. According to Deputy Attorney General William Marcus, current law allows the transfer of prescriptions by fax; but does not address the original transmission of a prescription by fax. The Board is concerned about the potential for fraud or mistake. The Board decided to table this matter, and wait until a pending Attorney General's Opinion is published.

Emergency Meeting. The Board held an emergency meeting on December 11 to discuss the resignation of Executive Officer Lorie Rice, effective February 1, 1990. The Board decided to appoint Patricia Harris as interim executive officer until the May 1990 meeting.

LEGISLATION:

The following is a status update on bills described in detail in CRLR Vol. 9, No. 4 (Fall 1990) at pages 75-76:

AB 1832 (Polanco) would have provided that any person who knowingly sells Syrup of Ipecac, any laxative, or any diuretic to another person who is under the age of eighteen is subject to either criminal action for a misdemeanor or a civil action brought by a city attorney, a county counsel, or a district attorney. This bill died in committee.

AB 1006 (Isenberg) would require health maintenance organizations to give written notice to all pharmacy providers in their service area of their intent to change the manner of payment for pharmacy services and to give those providers an opportunity to submit a bid to participate in the organization's panel of providers on the terms proposed. This bill is pending in the Senate Committee on Insurance, Claims, and Corporations.

AB 1177 (Kelley), as amended January 11, would amend section 4047.9 of the Business and Professions Code. Currently, this section requires a pharmacist to inform a patient orally or in writing of the harmful effects of a drug dispensed by prescription if the

drug poses substantial risk to the person consuming the drug when taken in combination with alcohol. This bill would include in that warning requirement any drug which may pose a substantial risk when taken in combination with other prescribed drugs. This bill is pending in the Senate Business and Professions Committee.

AB 1397 (Filante) would have required pharmacist consultation when an initial prescription is filled or when a pharmacist deems that a consultation is warranted. This bill died in committee.

AB 1986 (Ferguson), which would have created felony criminal and civil penalties for prescribing controlled substances to minors without the written consent of parents or guardians, died in committee.

Future Legislation. The Board may introduce legislation during the current legislative session regarding the scope of pharmaceutical care. Section 4046 of the Business and Professions Code currently allows pharmacists in certain licensed health care facilities to initiate, monitor, and adjust drug therapies, and to order related laboratory tests. The Board may propose to expand this statute to allow pharmacists in any practice setting to perform these tasks, under certain conditions. The Board's Ad Hoc Committee on Scope of Practice proposed that such activity be (1) regulated by protocol developed by the attending physician; (2) subject to the patient's authorization; and (3) in accordance with the Board's regulations.

At its October 25 meeting, the Board discussed the possibility of future legislation regarding the needle exchange issue. A coalition of advocates for people with AIDS recently called on the San Francisco Health Commission to support a citywide needle exchange program for drug addicts to help fight the spread of AIDS. The Commission then asked the Board to grant a license to San Francisco that would exempt the city from the state law forbidding dispensing syringes without a prescription. The Board denied this request because, in the opinion of a legislative analyst, the only way to legally allow needle exchange is to change state law. Therefore, the Board may propose to amend state law to allow such activity.

FUTURE MEETINGS:

May 30-31 (location undecided).

POLYGRAPH EXAMINER BOARD

Executive Officer: Dia Goode
(916) 739-3855

Until January 1, 1990, the Polygraph Examiners Board operated within the Department of Consumer Affairs. The Board had authority to issue new licenses and to regulate the activities of an estimated 655 examiners licensed in California. The Board's enabling act contained a sunset date of January 1, 1990.

During the fall of 1989, the legislature passed SB 1494 (Dills), which would have transferred the duties of the Board to the Department of Justice. However, the Governor vetoed the bill on October 2 (see CRLR Vol. 9, No. 4 (Fall 1989) p. 76 for background information). Thus, the sunset date in the Board's enabling legislation remained unchanged and the Board was abolished effective January 1, 1990.

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Executive Officer: Darlene Stroup
(916) 920-7466

The Board of Registration for Professional Engineers and Land Surveyors (PELS) regulates the practice of engineering and land surveying through its administration of the Professional Engineers Act, sections 6700 through 6799 of the Business and Professions Code, and the Professional Land Surveyors' Act, sections 8700 through 8805 of the Business and Professions Code. The Board's regulations are found in Chapter 5, Title 16 of the California Code of Regulations (CCR).

The basic functions of the Board are to conduct examinations, issue certificates, registrations, and/or licenses, and appropriately channel complaints against registrants/licensees. The Board is additionally empowered to suspend or revoke registrations/licenses. The Board considers the proposed decisions of administrative law judges who hear appeals of applicants who are denied a registration/license, and those who have had their registration/license suspended or revoked for violations.

The Board consists of thirteen members: seven public members, one licensed land surveyor, four registered Practice Act engineers and one Title Act