



for specified purposes of the act. This bill, which takes effect on January 1, 1990, was signed by the Governor on September 22 (Chapter 704, Statutes of 1989).

AB 2469 (Johnston), as amended July 18, continues the present deregulation of employer-paid agencies which occurred under AB 2929 beyond the January 1, 1991 sunset date. Although this bill was signed by the Governor on September 22 (Chapter 705, Statutes of 1989), a provision in the bill states that it will not become operative if AB 2113 is chaptered and takes effect on or before January 1, 1990.

SB 1673 (Montoya), which would add an applicant's complaint history to the Bureau's criteria for evaluating possible restrictions on an applicant's license, is a two-year bill pending in the Senate Business and Professions Committee.

BOARD OF PHARMACY

Executive Officer: Lorie G. Rice
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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. 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. Following a May regulatory hearing, the Board adopted several changes to its regulations at its July meeting. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 67 for background information on these changes.) The Board adopted a slightly modified version of section 1710, Chapter 17, Title 16 of the California Code of Regulations

(CCR), to define an inpatient hospital pharmacy as one which, although predominantly serving inpatients of that hospital, may furnish drugs to outpatients or employees, provided that sales to walk-in customers do not exceed 1% of all the pharmacy's prescriptions.

The Board also adopted an amendment to section 1707.1, to require pharmacists to orally consult with the patient whenever a prescription drug is dispensed for the first time. Finally, the Board amended section 1717(c), to specify the tasks which may be performed by an unlicensed person under the supervision of a licensed pharmacist.

The Board received over 300 comments on these proposed regulations, and is currently preparing the rule-making record on all three changes for submission to the Office of Administrative Law (OAL).

English Proficiency Examination. After a July 25 hearing, the Board approved a proposed amendment to section 1719 of its regulations. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 67 for background information.) The revised version states that candidates for licensure who have been non-U.S. residents for more than ten years must take and pass the Test of Spoken English in addition to satisfying all other licensure requirements. The Board is preparing the rule-making file for submission to OAL.

Foreign Graduates. The Board was scheduled to hold a regulatory hearing on October 25 on several proposed changes affecting the licensure of foreign graduates.

Business and Professions Code section 4085(b)(2) requires an applicant for the Board's exam who has graduated from a foreign pharmacy school to demonstrate that his/her education is equivalent to that of domestic graduates, or take an equivalency examination. The proposed adoption of new section 1720.1, Chapter 17, Title 16 of the CCR, would set forth the acceptable method of demonstrating curriculum equivalency. The Board would delegate the task of performing equivalency evaluations to the Credentials Evaluation Service (CES), an established national organization used by other licensing boards and which is approved by the American Council on Pharmaceutical Education. The new section would also specify that the acceptable equivalency examination is the Foreign Pharmacy Graduate Equivalency Examination (FPGEE) administered by the National Association of Boards of Pharmacy.

The Board also plans to amend section 1720 in several ways: first, it would

add subsection (d) to set a five-year limit (from the time of receipt of the application for evaluation to the time when one would apply for the licensure examination) as the maximum time to complete the evaluation process, after which the application will be deemed abandoned. New subsection (c) would specify that the file of an applicant who fails to pay the licensing fee for a two-year period after passing the examination will be deemed abandoned. Finally, the Board plans to make technical changes to section 1720(b).

"Black Bag" Regulation. Also on October 25, the Board was scheduled to hold a hearing on the proposed addition of new section 1751.10 to its regulations. This section would allow a pharmacist to carry and furnish, to a patient at home, dangerous drugs (except controlled substances) and devices for parenteral therapy (the intravenous administration of medication) when the dangerous drug or device is one currently prescribed for the patient, and the prescription has not been superseded by a different drug or device.

Attorney General's Opinion. Pursuant to a request by the Board, the Attorney General recently issued an opinion on whether the Board of Pharmacy has jurisdiction over pharmaceutical facilities on the campuses of the University of California. The AG's July 6 opinion (No. 89-402) held that "a pharmacy operated by the University of California is subject to the licensure, inspection and disciplinary provisions of the Pharmacy Law."

LEGISLATION:

SB 802 (Marks) expressly prohibits a residential care facility for the elderly from requiring patients to purchase drugs, or rent or purchase medical equipment from any particular pharmacy or other source. This bill was signed by the Governor on October 2 (Chapter 1419, Statutes of 1989).

AB 2083 (Polanco), as amended August 31, would have prohibited the retail sale of Syrup of Ipecac unless it is furnished by the retailer from supplies not accessible to the public and in response to a request by the purchaser. This bill was vetoed by the Governor on September 21.

AB 1932 (Polanco) would provide that any person who knowingly sells Syrup of Ipecac, any laxative, or any diuretic to another person who is under the age of eighteen years is subject to either criminal action for a misdemeanor or a civil action brought by a city attor-



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ney, a county counsel, or a district attorney. This bill is a two-year bill pending in the Assembly Committee on Public Safety.

The following is a status update on bills discussed in detail in CRLR Vol. 9, No. 3 (Summer 1989) at page 67:

AB 102 (Filante) deletes the requirement that the model medication program of the Legislative Task Force on Medication Misuse seek and train volunteers to operate and finance the program. This bill also deletes the existing duties of the Task Force. The bill was signed by the Governor on September 19 (Chapter 511, Statutes of 1989).

AB 229 (Polanco), as amended July 6, restricts the distribution, possession, and use of hypodermic needles and syringes. This bill was signed by the Governor on September 12 (Chapter 373, Statutes of 1989).

AB 1591 (Condit), which amends section 1056 of the Health and Safety Code to include anabolic steroids on the list of controlled prescription substances, was signed by the Governor on September 20 (Chapter 567, Statutes of 1989).

AB 1729 (Chandler), as amended August 22, makes it a misdemeanor for any person to subvert or attempt to subvert any examination, as specified. This bill was signed by the Governor on September 29 (Chapter 1022, Statutes of 1989).

The following bills were made two-year bills, and they may be pursued when the legislature reconvenes in January: **AB 1066 (Isenberg)**, which would require health maintenance organizations to allow non-contracting pharmacies to provide services to beneficiaries and to be paid an amount equal to the contract payment; **AB 1177 (Kelley)**, which would make technical nonsubstantive changes in section 4008 of the Business and Professions Code relating to the Board of Pharmacy; **AB 1397 (Filante)**, which would require pharmacist consultation when an initial prescription is filled or when a pharmacist deems that a consultation is warranted; and **AB 1986 (Ferguson)**, which would create felony criminal and civil penalties for prescribing controlled substances to minors without the written consent of parents or guardians.

FUTURE MEETINGS:

January 31-February 1 in Sacramento.
March 28-29 (location undecided).
May 30-31 (location undecided).

POLYGRAPH EXAMINERS BOARD

Executive Officer: Dia Goode
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The Polygraph Examiners Board operates within the Department of Consumer Affairs. The Board has authority to issue new licenses and to regulate the activities of an estimated 655 examiners currently licensed in California under Business and Professions Code section 9300 *et seq.* The Board has no jurisdiction over federally-employed polygraph examiners and very limited jurisdiction in the non-criminal arena.

The Polygraph Examiners Board consists of two industry representatives and three public members, all appointed to four-year terms. The Board has a sunset date of January 1, 1990.

MAJOR PROJECTS:

Regulatory Changes Approved. On July 17, the Office of Administrative Law approved the Board's modified versions of sections 3486 and 3488, Chapter 34, Title 16 of the California Code of Regulations. Section 3486 sets forth procedures for the issuance of fines and citations, and section 3488 establishes an informal conference procedure for resolving citation disputes. (See CRLR Vol. 9, No. 2 (Spring 1989) pp. 71-72 for extensive background information.)

LEGISLATION:

SB 1494 (Dills), as amended September 11, would have recast and revised the statutes regarding the licensing and regulation of polygraph examiners under the Penal Code and would have transferred the powers and duties of the Board to the Department of Justice. This bill was vetoed by the Governor on October 2.

In light of the veto, the Board will sunset on January 1, 1990. Board Executive Officer Dia Goode believes the veto and the legislature's failure to reenact any of the existing provisions offering protection to consumers from incompetent polygraph examiners into the Civil Code are particularly unfortunate. In other cases of agency abolition or sunset, consumer-protective statutes are retained and moved to another section of the code (see *supra* agency report on BUREAU OF PERSONNEL SERVICES; see also Vol. 6, No. 4 (Fall 1986) p. 35 for background information on the abolition of other agencies).

RECENT MEETINGS:

The Board has not met since October 28, 1988.

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Executive Officer: Darlene Stroup
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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 and the Professional Land Surveyors' Act.

The basic functions of the Board are to conduct examinations, issue certificates and/or licenses and appropriately channel complaints against its licensees. The Board is additionally empowered to suspend or revoke certificates or licenses. On a routine basis, the Board considers the proposed decisions of administrative law judges who hear appeals of applicants who are denied registration and licensees who have had their licenses 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 engineer. Eleven of the members are appointed by the Governor for four-year terms which expire on a staggered basis. One public member is appointed by the Speaker of the Assembly and one by the Senate President pro Tempore.

The Board has established seven standing committees dealing with land surveying and the various branches of engineering. These committees, each composed of three Board members, approve or deny applications for examinations and register applicants who pass the examinations. Their actions must have the approval of the entire Board, which is routinely forthcoming.

Professional engineers are now licensed through the three Practice Act categories of civil, electrical and mechanical engineering under section 6730 of the Business and Professions Code, and the Title Act categories of agricultural, chemical, control system, corrosion, fire protection, industrial, manufacturing, metallurgical, nuclear, petroleum, quality, safety, and traffic engineering.

Structural engineering and soil engineering are linked to the civil Practice Act and require an additional examination after qualification as a Practice Act engineer.

MAJOR PROJECTS:

Structural Engineering Regulations Adopted and Approved. On July 14,