

May 14, 2002

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**RECOMMENDED POSITIONS ON STATE LEGISLATION (3-VOTES)**

This letter contains recommendations to support AB 2165 (Strom-Martin), which would help address the shortage of pharmacists in California; SB 1162 (Polanco), which would help recruit health professionals from ethnically and culturally diverse backgrounds to practice in medically under-served communities; and SB 2082 (Bowen), which would increase funds available for tobacco prevention and control efforts throughout the State.

**IT IS RECOMMENDED THAT YOUR BOARD:**

Approve the recommended positions contained in this letter on the following legislative proposals:

- **AB 2165 (Strom-Martin)** which replaces the existing State pharmacist licensing examination with the North American Pharmacist Licensure Examination (NAPLEX) and a California law examination – **SUPPORT**
  
- **SB 1162 (Polanco)** which requests the University of California Regents to include Charles R. Drew/UCLA Undergraduate Medical Education Program in the University's current system-wide medical education program assessment – **SUPPORT**

- **SB 2082 (Bowen)** which requires an advertisement for the sale of cigarettes on the Internet to disclose to California buyers that the buyer is responsible for paying all California excise and use taxes, the amount of those taxes, and that the seller is required to file a copy of the invoice for each shipment of cigarettes made into the State with the California State Board of Equalization (BOE) – **SUPPORT**

### **AB 2165 (Strom-Martin)**

As amended on April 15, 2002, AB 2165 would replace the existing State-developed and administered pharmacist licensing examination with the North American Pharmacist Licensure Examination (NAPLEX), used in every other state, and a California law examination. It would allow California to issue licenses to pharmacists licensed in good standing in other states once they pass the California law examination. The examination would be required to include questions to demonstrate proficiency in patient communication skills and standards of practice for licensed pharmacists in the State. According to the author's office, the purpose of AB 2165 is to make it easier to recruit new pharmacists to work in the State during the current nationwide shortage of pharmacists.

A recent U.S. Department of Health and Human Services study found that there is an unprecedented demand for pharmacists and that the factors causing the shortage, including a dramatic increase in workload, are not likely to abate in the near future. The ratio of pharmacists to the population is below the national average (68 pharmacists per 100,000 population) in 49 of California's 58 counties, including Los Angeles County. The overall ratio for the State of California is 54 pharmacists per 100,000 population.

According to the April 9, 2002 Assembly Business and Professions Committee analysis of AB 2165, the State Department of Consumer Affairs requested the State Board of Pharmacy to explore the possibility of adopting NAPLEX. Two independent studies, one commissioned by the State Board of Pharmacy and one by the Legislative Analyst's Office (LAO) concluded that the NAPLEX is a valid test of competence for the practice of pharmacy and is comparable to the existing California licensing exam. The LAO found that adoption of NAPLEX would not have a negative impact on the quality of pharmacy services in California and would increase the availability of pharmacists in the State.

Proponents of AB 2165 contend that it will make it easier to recruit experienced pharmacists to work in California at a time of widespread pharmacist shortage. Opponents argue that it lowers the State standard for licensing pharmacists in California.

The Department of Health Services (DHS) indicates that the pharmacist shortage

particularly affects access to prescription drugs in rural and hard to serve urban areas. **DHS recommends that the County support AB 2165, and the adoption of NAPLEX as the State pharmacist licensing exam, because it would help address the shortage of pharmacists in California and enable the Department to recruit pharmacists from other states to work in underserved areas, and we concur.**

According to the author's office, AB 2165 is supported by the California State Board of Pharmacy, California Healthcare Association, California Primary Care Association, Community Medical Centers, California Retailers Association, Alliance of California Tribes, and several hospitals, clinics and health systems. As a result of the amendments of April 15, 2002, all previous opposition has been withdrawn. AB 2165 passed unanimously from the Assembly Business and Professions Committee on April 16, 2002 and awaits a hearing in the Assembly Health Committee.

### **SB 1162 (Polanco)**

As amended on January 23, 2002, SB 1162 would request the University of California (UC) Regents to consider expansion of the Charles R. Drew/UCLA Undergraduate Medical Education Program as a component of the UC's current system-wide medical education program assessment. It would also request the UC Regents to submit a report summarizing its findings regarding the Program to the Governor, Legislature, and California Postsecondary Education Commission by June 30, 2003.

According to the author's office, the purpose of SB 1162 is to develop, in collaboration with Drew/UCLA Medical School, a plan and timeline for the expansion of the Undergraduate Medical Education Program to assist the State in addressing existing physician workforce needs. Increasing the size of the entering class of the Drew/UCLA Program would significantly enlarge the cadre of physicians who are likely to provide care to California's under-served populations.

The Department of Health Services indicates that the Drew/UCLA Medical School provides training for physicians and other health professionals with particular emphasis on primary care and research on high impact problems in the minority community including heart disease, perinatology, cancer, and AIDS. **DHS recommends that the County support SB 1162, and the expansion of the Charles R. Drew/UCLA Undergraduate Medical**

**Education Program, because it would help to provide a long-term solution to the**

**problem of recruiting health professionals with ethnically and culturally diverse backgrounds to practice in medically under-served urban and rural communities, and we concur.**

The author's office reports that there is no registered support or opposition to this bill. AB 1162 is awaiting hearing in the Senate Higher Education Subcommittee and the Senate Health and Human Services Committee.

**SB 2082 (Bowen)**

As introduced on February 22, 2002, SB 2082 would require an out-of-state person who advertises cigarettes for sale on the Internet to conspicuously disclose to California buyers in the advertisement: 1) that the buyer is responsible for paying all California excise and use taxes; 2) the amount of those taxes based on the advertised price; and 3) that Federal law requires the seller to file with the California State Board of Equalization (BOE) a copy of the invoice for each shipment of cigarettes made into the State. The bill refers to existing State excise and use taxes and does not impose an Internet tax.

According to the BOE, only 3 of the 196 identified out-of-state cigarette vendors regularly comply with existing requirements to report purchase information. The BOE estimates that Internet and mail order cigarette sales cost the State \$15 million annually in lost tobacco tax revenue. Of the 87 cents per pack comprising the California tobacco tax, 25 cents is earmarked for tobacco prevention and control, 10 cents for the State General Fund, 2 cents for breast cancer research, and 50 cents for the California Children and Families First Program established by passage of County-supported Proposition 10 in 1998. The author's office indicates that SB 2082 is intended to encourage compliance with existing State tobacco tax laws which fund these programs, and has requested County support for this measure.

**DHS recommends that the County support SB 2082 because it would improve collection of tobacco taxes generated through out-of-state sales and increase funds available for tobacco prevention and control efforts in Los Angeles County, and we concur.** According to the author's office, there is no registered support or opposition to this bill. SB 2082 is set for hearing on April 24, 2002 in the Senate Revenue and Taxation Committee.

These recommended positions will be added to the State Legislative Agenda and are

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consistent with County Strategic Plan goals to contribute to organizational effectiveness and to children and families' well-being as follows: AB 2165 will help to recruit pharmacists into underserved areas, which will contribute to organizational effectiveness by ensuring that health delivery systems which provide access to prescription drugs are efficient and effective; SB 1162 will help to recruit health professionals from ethnically and culturally diverse backgrounds to practice in medically under-served communities, which will contribute to organizational effectiveness by ensuring that health delivery systems in these areas are sufficiently staffed to be efficient and effective; and SB 2082 will increase funds available for tobacco prevention and control programs, which will contribute to the well-being of children and families by helping to ensure funding for youth oriented tobacco prevention and education programs.

Respectfully submitted,

DAVID E. JANSSEN  
Chief Administrative Officer

DEJ:GK  
MS:md

c: Executive Officer, Board of Supervisors  
County Counsel  
Department of Health Services