

# Important Notice Regarding Prescriptions Issued by Health Care Providers Employed by a Tribal Health Program

## Exemptions from California Licensure Requirements for Tribal Health Care Providers Licensed in Other States

Under federal law, licensed health professionals employed by a tribal health program are required to be exempt, if licensed in any state, from the licensing requirements of the state in which the tribal health program performs specified services. California law aligns with this requirement, providing an exemption from California licensure for a health care practitioner, including a physician or pharmacist, licensed in any state who practices as part of a tribal health program.

Tribal health programs are controlled and sanctioned by Tribal Governments. A tribal health program is defined as an Indian tribe or tribal organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Indian Health Service.<sup>1</sup>

California Business and Professions Code (BPC) §719 provides this exemption and states as follows:<sup>2</sup>

(a) A person who possesses a current, valid license as a health care practitioner in any other state and is employed by a tribal health program, as defined in [Section 1603 of Title 25 of the United States Code](#), shall be exempt from any licensing requirement described in this division [i.e., Division 2 (Healing Arts) of the BPC] with respect to acts authorized under the person's license where the tribal health program performs the services described in the contract or compact of the tribal health program under the Indian Self-Determination and Education Assistance Act ([25 U.S.C. Sec. 450 et seq.](#)).

(b) For purposes of this section, "health care practitioner" means any person who engages in acts that are the subject of licensure or regulation under the law of any other state.

Based upon this law, pharmacists may fill prescriptions written by physicians not licensed in California but licensed in another state and working at tribal health programs.

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<sup>1</sup> See [Section 1603 of Title 25 of the United States Code](#), para. (25).

<sup>2</sup> In 2012, both AB 1896 and SB 1575 were enacted into law. Both bills added a new section, numbered 719, to the BPC, but used slightly different wording. As a result, the BPC includes two separate sections, both numbered 719, providing for this exemption. The statutory text printed above reflects the language added to the BPC by SB 1575 as section 719. The wording in the similar section (also numbered 719) added by AB 1896 is identical, except that the phrase "is licensed" is used in replacement of the phrase "possesses a current, valid license."