

**Board of Pharmacy**  
**Final Statement of Reasons**

**Subject Matter of Proposed Regulation:** Fee Schedule

**Title 16 Sections Affected:** 1749

**Updated Information**

The Initial Statement of Reasons is included in this rulemaking file. The information contained therein accurately reflects the board's position regarding the fee schedule contained within 16 CCR 1749.

No comments were received during the initial 45-day comment period. To resolve a conflict between Business and Professions Code section 123 and Business and Professions Code section 4400, the board completed a 15-day notice. No comments were received during the 15-day comment period. The board did receive one letter of comment from the California Pharmacists Association that conveyed their understanding of the reasons why the board was pursuing this change. While this comment was received outside of any comment period, the comment is included in the rulemaking.

Below is a summary of the changes made and included in the 15-day comment period.

- Remove reference to Business and Professions Code section 122. This code authorizes the board to collect fees for license verification, however it is in conflict with Business and Professions Code 4400.
- 1749 (i) - The language was changed to include \$62.50. This amount was previously just spelled out.
- 1749 (j) - The language was changed to make it consistent with other language used in other subsections within 1749.
- 1749 (k) - The language was changed to replace the term out of state distributor with nonresident wholesaler.
- 1749 (l) -The fee for transfer of intern hours or verification of licensure to another state was changed from \$25.00 to \$20 to address the conflict between Business and Professions Code section 122 and Business and Professions Code section 4400.
- 1749 (p) - The penalty for failure to renew the license is included. This fee is already allowed under Business and Professions Code section 163.5 and is being included to consolidate all board fees.
- 1749 (q) - The penalty for failure to renew the license is included. This fee is already allowed under Business and Professions Code section 163.5 and is being included to consolidate all board fees.

- 1749 (r) -The language was changed to include the spelling out of four hundred dollars.

No other changes were made to the proposal.

**Summary of Comments Received During the 45-Day Comment Period:**

No comments were received during the 45-Day comment period.

**Summary of Comments Received During the 15-Day Comment Period:**

No comments were received during the 15-Day comment period.

**Local Mandate:**

None

**Business Impact:**

The board estimates that approximately 8900 business licensees will be required to comply with the proposed fee schedule. Government owned business is “fee exempt” and would not be affected by this fee increase.

**Specific Technologies or Equipment:**

This regulation does not mandate the use of specific technologies or equipment, but does allow pharmacies to use automated delivery devices for previously dispensed medications and “drop boxes” for submission of prescriptions to the pharmacy.

**Consideration of Alternatives:**

The only alternative to consider is not amending this regulation. This is not a feasible alternative, as the board cannot continue to operate in a deficit and maintain its public protection mandate.