

## TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Pharmacy at its office not later than 5:00 p.m. on April 6, 2015.

The board does not intend to conduct a Regulation Hearing on the matter, unless requested. Any interested person may submit a written request for a public hearing no later than 15 days prior to the close of the written comment period.

The Board of Pharmacy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 4005 of the Business and Professions Codes, and to implement, interpret or make specific Section 163.5, 4005, 4007, 4038, 4115, 4202, 4207 and 4400 of the Business and Professions Code, the Board of Pharmacy is proposing to amend Section 1793.5 of Article 11 of Division 17 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST

#### A. Informative Digest

The Board of Pharmacy proposes to amend Section 1793.5 of Article 11 of Division 17 of Title 16 of the California Code of Regulations and to update Authority and Reference citations.

#### B. Policy Statement Overview/Anticipated Benefits of Proposal

Existing regulation at Section 1793.5 requires an applicant for a pharmacy technician license to submit an application to the board. The application, Form 17A-5 (Rev. 01/11) is incorporated by reference; this proposed regulation amends this application and incorporates by reference an updated Pharmacy Technician Application, Form 17A-5 with a revision date of October 2015. As proposed, the pharmacy technician application incorporates educational and licensing requirements currently found in Division 2 of Chapter 9 of the Business and Professions Code.

This proposal would ensure the application reflects changes in current law as a result of recently enacted legislation and provide guidance on application requirements. The updated application, Form 17A-5 (Rev. 10/15), incorporated by reference in this proposal would include modifications to the criminal conviction question to conform to legal requirement and incorporate changes made to facilitate implementation of SB 1159 (Lara, Chapter 752, Statutes of 2014) and SB 1226 (Correa, Chapter 657, Statutes of 2014), as well as a few additional changes designed to provide more clarification of educational and licensing requirements. This proposal would benefit applicants applying for a pharmacy technician license with the board as well as the regulated public. By incorporating by reference a Pharmacy Technician Application (17A-5) that reflects current laws and regulations and helps clarify the educational and licensing requirements, the board believes that applicant inquires and deficiencies will be reduced which will streamline the application process and facilitate processing of the application.

Existing regulation in subdivision (a)(4) of section 1793.5 requires an applicant for a pharmacy technician license to submit to the board with his or her application a sealed, original Self Query Report from the National Practitioner Data Bank – Healthcare Integrity and Protection Data Bank (NPDB-HIPDB). The board has determined the need to update the name of the Data Bank in response to recently enacted legislation resulting in consolidated operations of the National Practitioner Data Bank (NPDB) with those of the Healthcare Integrity and Protection Data Bank (HIPDB). To conform to the actual name of the Data Bank, this proposal would amend terminology in that subdivision to properly refer to the National Practitioner Data Bank (NPDB). The proposed action would benefit applicants applying for a pharmacy technician license with the board, as well as the regulated public, by providing clarity on the exact name of the specific agency from which the Self Query Report is obtained, as required in that subdivision.

### C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board of Pharmacy has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

### INCORPORATION BY REFERENCE

Documents incorporated by reference:

1. Pharmacy Technician Application, Form 17A-5 (Rev. 10/15)

## FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 – 17630 Require Reimbursement: None

### Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation does not affect a business; rather, it affects applicants (individuals) who are seeking licensure from the Board of Pharmacy.

### Cost Impact on Representative Private Person or Business:

The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

## EFFECT ON SMALL BUSINESS:

The board has determined that the proposed regulations would not affect small business. This initial determination is based on the fact that the proposed regulation does not affect a business; rather, it affects applicants (individuals) who are seeking licensure from the Board of Pharmacy.

## RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

### Impact on Jobs/New Businesses:

The board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This initial determination is based on the fact that the proposed regulation

does not affect a business; rather, it affects applicants (individuals) who are seeking licensure from the Board of Pharmacy.

#### Benefits of Regulation:

The Board of Pharmacy has determined that this regulatory proposal will not have a significant impact on health and welfare of California residents, worker safety, and state's environment. However, this proposal would benefit applicants applying for a pharmacy technician license with the board as well as the regulated public. By incorporating by reference a Pharmacy Technician Application (17A-5) that reflects current laws and regulations and helps clarify the educational and licensing requirements, the board believes that applicant inquires and deficiencies will be reduced which will streamline the application process and facilitate processing of the application.

### CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative is considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments in writing relevant to the above determinations at the address listed for the Contact Person.

### INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 1625 N. Market Blvd., N219, Sacramento, California 95834, or from the Board of Pharmacy's website <http://www.pharmacy.ca.gov>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Katrina Small  
Address: 1625 N. Market Blvd., N219  
Sacramento, CA 95834  
Telephone No.: (916) 574-7946  
Fax No.: (916) 574-8618  
E-Mail Address: Katrina.Small@dca.ca.gov

The backup contact person is:

Name: Anne Sodergren  
Address: 1625 N. Market Blvd., N219  
Sacramento, CA 95834  
Telephone No.: (916) 574-7910  
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Website Access: Materials regarding this proposal can be found at the Board of Pharmacy's website: [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov).