



California State Board of Pharmacy
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Business, Consumer Services and Housing Agency
Department of Consumer Affairs
Gavin Newsom, Governor



To: Board Members

Subject: Emergency Board Meeting Agenda Item III. Discussion and Consideration of Requests to Waive Provisions of Pharmacy Law Pursuant to Business and Professions Code section 4062

Background

Beginning in March 2020, the Board has been granting waivers of Pharmacy Law and its regulations consistent with the authority of Business and Professions Code (BPC) section 4062. During the pandemic the Board has delegated authority to the Board President to approve waivers. As part of the December 10, 2021 meeting, members delegated to the President the authority to use discretion on waivers included in the meeting materials through August 31 or sooner at the President's direction. As part of the discussion, members clarified that new waivers would follow the current delegated authority which provides the President with the authority to issue a waiver for up to 90-days and extend waivers for two additional 90-day periods.

For Board Consideration and Discussion

1. [Remote Processing \(BPC section 4071.1\(a\)\)](#)

Summary: Waives limitations on the provisions of remote order entry.
Effective: November 19, 2020
Expired: Expired June 30, 2021

Since the expiration of this waiver, President Oh has considered, on a case by case basis, requests for the continued use of this waiver under specified conditions. Where approved, the request included conditions at the specific location demonstrating the necessity of the waiver.

However, with the rise in COVID-19 cases stemming in part from the Delta variant, coupled with the anticipated significant increase in the need for COVID-19 vaccine boosters, it may be appropriate for the Board to consider if reinstatement of the expired remote processing waiver is appropriate.

2. [Restoration of Retired or Canceled Pharmacist License – BPC section 4200.5\(d\), Related to Retired Licensees; BPC section 4402\(b\), Related to Canceled Pharmacist Licenses; and BPC section 4403, Related to Payment of Fees for Reissuance or Renewal of License](#)

Summary: Waives conditions for reinstatement of a cancelled or retired pharmacist license.

Effective: April 3, 2020

Expired: September 1, 2021

Earlier this week, on August 31, the DCA Director extended their waiver applicable to other license categories, including pharmacy technicians. Under the conditions of the DCA waiver, a license reactivated or restored pursuant to the waiver is valid until November 1, 2021, or when the state of emergency ceases to exist, whichever is sooner.

It may be appropriate for the Board to consider if an extension of its waiver is appropriate to remain consistent with the DCA Waiver.



September 02, 2021

Seung Oh, PharmD
President
California State Board of Pharmacy
2720 Gateway Oaks Drive, Ste. 100
Sacramento, CA 95833
Via email: c/o anne.sodergren@dca.ca.gov

Re: Request for Pharmacy Law Waiver of BPC Section 4071.1 (a) Authorizing Remote Processing

Dear Dr. Oh:

With the proliferation of the COVID-19 Delta Variant in California, the California Retailers Association (CRA) and National Association of Chain Drug Stores (NACDS) write to request that the Board of Pharmacy act in accordance with Governor Newsom's Executive Order N-39-20 to reissue the Remote Processing waiver of Business and Professions Code Section 4071.1 (a) that expired on June 30, 2021.

The California Retailers Association is the only statewide trade association representing all segments of the retail industry including general merchandise, department stores, mass merchandisers, restaurants, convenience stores, supermarkets and grocery stores, chain drug, and specialty retail such as auto, vision, jewelry, hardware and home stores. CRA works on behalf of California's retail industry, which operates over 400,000 retail establishments with a gross domestic product of billions of dollars annually and employs millions of Californians.

The National Association of Chain Drug Stores represents traditional drug stores, supermarkets and mass merchants with pharmacies. Chains operate over 40,000 pharmacies, and NACDS' over 80 chain member companies include regional chains, with a minimum of four stores, and national companies. Chains employ nearly 3 million individuals, including 155,000 pharmacists. They fill over 3 billion prescriptions yearly, and help patients use medicines correctly and safely, while offering innovative services that improve patient health and health care affordability.

CRA and NACDS applaud your leadership and Governor Newsom's actions to protect the health and safety of Californians during the declared COVID-19 State of Emergency. As Governor Newsom announced on August 31, over 80 percent of eligible Californians have received at least one dose of the COVID-19 vaccine. Unfortunately, breakthrough cases are occurring and unvaccinated Californians are testing positive and overwhelming the state's hospitals at an alarming rate. The healthcare system must continue to adapt to serve patients while protecting frontline healthcare workers, who must remain healthy in order to keep Californians safe.

The Remote Processing waiver allowed pharmacists to enter prescriptions into a computer from outside of the licensed pharmacy, as well as perform other data entry, prospective drug utilization review and insurance processing, interpret clinical data, perform therapeutic interventions, provide drug information services, and authorize release of medication for administration. The waiver also allowed pharmacy interns and pharmacy technicians to perform nondiscretionary tasks related to remote processing, e.g. entering prescriptions and performing data entry and insurance processing of prescriptions under the supervision of a pharmacist. This remote processing was allowed while ensuring certain safeguards were met, e.g. the pharmacy had policies and procedures that outline the authorized functions to be performed and the pharmacist's, pharmacy intern's or pharmacy technician's access to patient information was secure.

With the flu season fast approaching, pharmacies are working diligently to prepare to meet heightened public demand for vaccination while ensuring all other patient prescription needs and demand for pharmacy services are met. Reinstating the Remote Processing waiver, at least through the end of 2021 or as long as the current surge continues, will reduce the exposure risk of pharmacists and pharmacy team members while ensuring patients have timely access to critical medications.

NACDS and the California Retailers Association thank you for considering our comments on this important matter. Please do not hesitate to contact Jennifer Snyder or Lindsay Gullahorn with Capitol Advocacy at jsnyder@capitoladvocacy.com or lgullahorn@capitoladvocacy.com if you have any questions.

Sincerely,



California Retailers Association



Steve C. Anderson, FASAE, CAE, IOM
President & Chief Executive Officer
National Association of Chain Drug Stores

cc: Members, California State Board of Pharmacy
Anne Sodergren, Executive Officer, California State Board of Pharmacy