

Complaints about Pharmacy Performance Quotas

California law prohibits a chain community pharmacy from setting certain types of quotas related to the duties of a pharmacist or pharmacy technician.

The law, Business and Professions Code (BPC) [section 4113.7](#), forbids a pharmacy from setting a quota – which is defined as “a fixed number or formula” – regarding the duties of an individual pharmacist or pharmacy technician related to:

- Prescriptions filled.
- Services rendered to patients.
- Programs offered to patients.
- Revenue obtained.

In addition, BPC [section 4317](#) authorizes the California State Board of Pharmacy to take action against a pharmacy for violations of BPC section 4113.7.

If you believe a community chain pharmacy has established quotas for pharmacists or pharmacy technicians in violation of BPC section 4113.7, you may [file an online complaint with the Board of Pharmacy](#). Fill out the boxes on the form that apply to your complaint, including a description of your complaint. The Board evaluates and, if appropriate, investigates the substance of complaints received.

Note: Before filing a complaint, be aware of important information below regarding anonymous complaints, complainant confidentiality, and whistleblower protections.

Filing an Anonymous Complaint

The Board welcomes and investigates all complaints received, including anonymous complaints. However, investigations of anonymous complaints may be difficult to investigate because investigators may need additional information from the complainant to establish facts necessary to prove a violation.

Complainant Confidentiality

Complaints filed with the Board generally are not considered public records under California’s Public Records Act, and the Board generally treats such complaints as confidential. However, the Board cannot guarantee the confidentiality of the substance of a complaint or the identity of complainants.

For example, if a complaint investigation results in disciplinary action against a pharmacy or other licensee, the Board may not be able to shield the complainant’s identity from discovery requests in administrative proceedings. Similarly, the information could be released in response to a subpoena issued in a case instituted under state or federal law. There also may be other circumstances that could legally require the Board to release complaint information.

Whistleblower Protections

BPC section 4113.7 does not include whistleblower protections for licensees who file complaints. However, California labor laws provide general protections against retaliation for employees alleging employer violations of laws or regulations.

The [California Labor Commissioner's Office](#) provides comprehensive information on [how to file a retaliation or discrimination complaint](#). The resources include a [listing of California laws that specifically prohibit retaliation](#) against employees who report a violation of noncompliance with a state or federal law or regulation. Complainants alleging retaliation may want to consult with knowledgeable labor law counsel regarding the specifics of their particular case.

The California Office of the Attorney General also provides resources for [whistleblowers](#), including a whistleblower hotline: (800) 925-5225. The office will refer callers to the appropriate government authority for review and possible investigation.

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