

TITLE 16: BOARD OF PHARMACY
FINAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Address Change Notification

Section Affected: Amend Title 16 California Code of Regulations (CCR) section 1704

Updated Information

The Initial Statement of Reasons is included in this rulemaking file. The information contained therein accurately reflects the position of the Board of Pharmacy (board) regarding the amendment of the above section. The Initial Statement of Reasons (ISR) is updated as follows:

The 45-day public comment period began on September 3, 2021 and ended on October 18, 2021. The board's notice indicated that the board did not intend to hold a hearing on the matter, unless requested. No request for a hearing was received by the board during the 45-day comment period.

During the 45-day comment period two comments were received. At its October 27, 2021 board meeting, the board adopted the regulation text as noticed on September 3, 2021.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

While the board does not have nor does it maintain data to determine if any of its licensees (pharmacies and clinics) are a "small business," as defined in Government Code section 11342.610, the board has made an initial determination that the proposed regulatory action will not have a significant adverse economic impact directly affecting small businesses. The board determined that electronic mail addresses are often "free" to obtain from numerous online companies and providing the electronic mail address to the board is as simple as writing it on an application when applying for a license or submitting a renewal application. Additionally, most applicants and licensees already provide an email address to the board as it is an effective method of communication.

Consideration of Alternatives

No reasonable alternative considered by the agency would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The board considered language identifying possible enforcement action should the person holding the certificate, license, permit, or registration not provide or maintain their electronic mail address. The board determined that because not everyone may have an electronic mail address, enforcement action may not be appropriate and removed that language from the proposed text.

Objections or Recommendations/Responses to Comments

During the public comment period from September 3, 2021 to October 18, 2021, the board received two comments. The comments were provided in the meeting materials for the October 27, 2021 board meeting, and the board reviewed and considered them.

Summarized 45-day Comments Regarding Reporting Drug Losses:

Written Comments from Sieun Lee

Comment 1: The commenter suggested an exemption to the CURES fee if a pharmacist has a foreign address.

Response to Comment 1: The board reviewed this comment and did not make any changes to the text based thereon as the comment is outside the scope of this rulemaking. The board noted that the CURES fee is assessed by the Department of Justice and not the board. Additionally, the board noted that licensees that live out of the country can designate their pharmacist license as inactive and at the time of renewal, the CURES fee is not assessed.

Written Comments from John Gray, PharmD., Kaiser Permanente

Comment 2: The commenter recommended that the board implement an online process to update electronic mail addresses, similar to the process currently available for physical address changes.

Response to Comment 2: The board reviewed this comment and did not make any changes to the text based thereon. The board appreciates the commenters recommendation and notes that email addresses can currently be updated online using

the service currently available for physical addresses; however, the board will update the website for clarity upon completion of the rulemaking process.

At its October 27, 2021 meeting, the board voted to adopt the regulation text as it was noticed on September 3, 2021.