

**Department of Consumer Affairs
Title 16. Board of Pharmacy**

**Order of Adoption
Discontinuance of Business**

Legend: Proposed changes made to the current regulation language are shown by ~~strikethrough~~ for deleted language and underline for added language.

Amend section 1708.2 of Article 2 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

- (a) Any permit holder shall contact the ~~b~~Board prior to transferring or selling any dangerous drugs, devices, or hypodermics inventory as a result of termination of business or bankruptcy proceedings (individually or collectively referred to as a "closure") and shall follow official instructions given by the ~~b~~Board applicable to the transaction. For purposes of this section, a "closure" includes the cessation or substantial cessation of the business.
- (b) In addition to the requirements in subsection (a), a pharmacy that shall cease operations due to a closure shall complete the following:
- (1) At least 45 days in advance of the closure, provide written notice to patients that have received a prescription within the last year, in a form in which the pharmacy regularly communicates or advertises to its patients. At a minimum, this notice shall include:
- (A) the name of the patient and if one exists and is known to the pharmacy, the name of the legal representative of the patient,
- (B) the name and physical address of the pharmacy closure,
- (C) the name of the pharmacy where patient records will be transferred and maintained, and
- (D) information on how to request a prescription transfer prior to closure of the pharmacy.
- (2) Reverse all prescriptions for which reimbursement was sought but the prescriptions are not picked up by patients,
- (3) Provide the Board with a copy of the notice specified in subsection (b)(1), and
- (4) The owner shall be responsible for compliance with the requirements of this section. The owner, or the pharmacist-in-charge if available, shall certify compliance with the requirements in this section. In the event the pharmacist-in-charge is no longer available, the owner must certify the compliance, along with a pharmacist retained to perform these functions.
- (5) Post a written notice of the closure, which shall include the planned closure date, in a conspicuous location at the pharmacy's entrance.
- (c) The following pharmacies shall be exempt from the requirements of subsection (b):
- (1) A general acute care hospital pharmacy that is owned by a health facility as defined in Section 1250 of the Health and Safety Code; and
- (2) A licensed correctional pharmacy dispensing only to patients of the California Department of Corrections and Rehabilitation.

NOTE: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4080, 4081, 4113, 4332, and 4333, Business and Professions Code; and Section 11205, Health and Safety Code.