

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

**Third Modified Regulation Text
Discontinuance of Business**

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

Modified changes made to the proposed regulation language are shown by ~~double strikethrough~~ for deleted language and double underline for added language.

Second modified changes made to the proposed regulation language are shown by ~~*italicized double strikethrough*~~ for deleted language and *italicized double underline* for added language.

Third modified changes made to the proposed regulation language are shown with a ~~**bold double strikethrough with dotted underline**~~ for deleted language and a **dotted 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 (~~cessation or substantial cessation~~) shall complete the following:
- (1) At least 30-45 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 with the planned closure date, in a conspicuous location at the pharmacy's entrance.
- ~~(6) 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 meets the requirements of Business and Professions Code section 22949.92(a)(1)(B)(iii), and a licensed correctional pharmacy dispensing only to patients of the California Department of Corrections and Rehabilitation, shall be exempt from the requirements of subdivision (b).~~
- (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, ~~22949.92 and 22949.92.1~~, Business and Professions Code; and Section 11205, Health and Safety Code.