

**Title 16. Board of Pharmacy
Proposed Regulation**

Add section 1714.3 to Article 2 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§ 1714.3. Community Pharmacy Staffing

This section applies to a community pharmacy that is required to comply with Business and Professions Code section 4113.5.

- (a) When a pharmacy is open to the public and a pharmacist is working without another pharmacy employee currently working, the pharmacy shall make another person who is an employee of the establishment within which the pharmacy is located available to assist the pharmacist. The pharmacy shall:
- (1) Designate the name(s) of one or more persons who will be available to assist the pharmacist;
 - (2) Ensure that each designated person is able, at a minimum, to perform the duties of non-licensed pharmacy personnel as specified in section 1793.3;
 - (3) Ensure that each designated person qualifies to have access to controlled substances by conducting a background check on each person that is consistent with federal requirements for pharmacy employees with such access;
 - (4) Ensure that a designated person responds and is able to assist the pharmacist within five minutes after the pharmacist's request.
- (b) A pharmacy shall have and maintain policies and procedures that address the following:
- (1) How a pharmacist on duty will be able to identify the person(s) designated as available to assist them, and the required criteria and training for those designated person(s), which shall be consistent with subdivision (a).
 - (2) The process for the pharmacist to request assistance and to document the response time between the request and arrival of the designated person at the pharmacy.
- (c) All impacted pharmacy employees and designated persons must read and sign a copy of the policies and procedures required by this section. For purposes of this section, "impacted pharmacy employees" means any employee of the pharmacy, whether the person works within or for the pharmacy owner, who has any duties to prepare for or to execute how or when a pharmacist may seek or obtain assistance pursuant to Business and Professions Code section 4113.5, including any pharmacist, any person who creates or approves

pharmacy employees' work schedules, or who designates persons who may assist the pharmacist pursuant to this section.

- (d) The pharmacy must maintain the policies and procedures in the pharmacy premises in a readily retrievable format.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4110 and 4113.5, Business and Professions Code.