

**TITLE 16. BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS**

**INITIAL STATEMENT OF REASONS**

Hearing Date: No hearing scheduled.

Subject Matter of Proposed Regulation: Remote Processing

Section Affected: Add Title 16, California Code of Regulations (CCR) section 1717.11

Background and Statement of the Problem

The California State Board of Pharmacy (Board) is a state agency vested with the authority to license and regulate the pharmacy industry, including pharmacies, pharmacists, and pharmacy technicians (Business and Profession Code (BPC) section 4000, et seq.). The Board's mandate and mission are to protect the public (BPC section 4001.1).

Prior to October 1, 2025, BPC section 4036 (part of Chapter 9 of Division 2 of the BPC) defined "pharmacist" as the "holder of an unexpired and active pharmacist license issued by the [B]oard" who is "entitled to practice pharmacy as defined by this chapter, within or outside of a licensed pharmacy *as authorized by this chapter*" (emphasis added). However, the authority (provided by the chapter) to practice outside the pharmacy was very limited (see BPC section 4071.1, which authorizes a pharmacist to enter a prescription or order into a pharmacy's/hospital's computer from any location outside the pharmacy or hospital with the permission of the pharmacy or hospital).

On March 4, 2020, California Governor Gavin Newsom declared a state of emergency as a result of the outbreak and spread of the coronavirus (COVID-19). During the COVID-19 pandemic, and as part of the Board's response to the declared public health emergency, including the initial need for physical distancing, the Board, consistent with the provisions of BPC section 4062 (under which the Board is authorized to waive provisions of pharmacy law and regulations "if, in the [B]oard's opinion, the waiver will aid in the protection of public health or the provision of patient care"), approved a remote processing waiver (waiver), with the waiver expiring on May 28, 2023 (there was an additional waiver, which expired on August 9, 2023, that only applied to a specific practice setting). (California State Board of Pharmacy, All Pharmacy Law Waivers < [https://www.pharmacy.ca.gov/licensees/expired\\_waivers.shtml](https://www.pharmacy.ca.gov/licensees/expired_waivers.shtml)> [as of November 26, 2025]) The Board's waiver expressly authorized for broader "remote processing" to allow greater flexibility under pandemic conditions.

Under the provisions of the waiver, a California-licensed pharmacist could engage in remote processing if 1) permitted by the California-licensed pharmacy for which they worked; 2) the pharmacy had policies and procedures (readily retrievable and provided to the Board upon request) that, among other things, outlined the authorized functions to be performed, included methods for protecting the confidentiality and integrity of

patient information, and expressly prohibited the printing or storage of protected health information on a device outside of the licensed pharmacy; 3) pharmacists received training on the policies and procedures relating to medication order, prescription processing, and remote supervision via technology that, at a minimum, would ensure a pharmacist was readily available to answer questions of a pharmacy intern or pharmacy technician, and verified the work each performed; 4) the pharmacist performing remote processing had secure electronic access to the pharmacy's patient information system and other electronic systems an on-site pharmacist would have access to when the pharmacy was open; 5) remote entry records complied with all record keeping requirements for pharmacies, including capturing the positive identification of the pharmacist involved in the remote review and verification of a medication order or prescription; and 6) the pharmacy maintained records of all medication orders and prescriptions entered into the pharmacy's information system.

The waiver added to the duties that could be performed as part of "remote processing", to include receiving, interpreting, evaluating, clarifying, and approving medication orders and prescriptions, including medication orders and prescriptions for controlled substances classified in Schedule II, III, IV, or V. The waiver also expanded "remote processing" duties to included order entry, other data entry, performing prospective drug utilization review, interpreting clinical data, insurance processing, performing therapeutic interventions, providing drug information services, and authorizing release of medication for administration. The waiver did not expand the duties allowed under "remote processing" to include the dispensing of a drug or final product verification.

During the COVID-19 public health emergency and other recent declared emergencies (including the wildfires in Los Angeles, for which the Board approved a waiver providing legal authorization for broader "remote processing"), this and other remote processing-related waivers were instrumental in providing the flexibility necessary (i.e., by allowing broader remote processing) to help ensure continuity of patient care.

Following the formal end of the declared public health emergency (COVID-19 pandemic), the Board sought legislative change that would allow remote verification of medication orders to continue. In 2023, the Board sponsored Assembly Bill 1557 (Flora, Chapter 141, Statutes of 2023), which expanded permitted remote processing duties for pharmacists in the hospital setting by authorizing a licensed pharmacist to verify medication chart orders on behalf of a licensed hospital, from a location outside of the hospital. However, because the scope was limited to hospital pharmacists, stakeholders have raised concerns about the impact on the pharmacist workforce in California, as limiting where a pharmacist might consider working due to the need to relocate.

In October 2021, the Board (as a whole and through its Licensing Committee) began evaluating whether to more broadly permit remote processing, and how to best do so while safeguarding consumers and licensees. The Committee also considered the benefits of broader remote processing, including the benefits to patient care, pharmacists, and emergency responsiveness. Public comments largely supported remote processing, citing its effectiveness and lack of quality issues.

Ultimately, taking into account that duties allowed to be performed through remote processing will likely differ (by pharmacy, depending on pharmacy type, size, and setting, ability and willingness of the pharmacy, willingness of pharmacist-in-charge (PICs) and pharmacists, etc.), the Board determined it best to establish remote processing requirements through regulations that would allow pharmacies and PICs to determine the specific duties that could be performed through remote processing, based on the structure and needs of the pharmacy. The Board then sought legislative change that would remove barriers to broader remote processing and provide authority for the Board to promulgate regulations that establish the requirements for and expand remote processing.

On October 1, 2025, Governor Newsom approved Assembly Bill 1503 (Berman, Chapter 196, Statutes of 2025), the Board's Sunset Bill, which amended BPC section 4036 to define "pharmacist" as the "holder of an unexpired and active pharmacist license issued by the [B]oard" who is "entitled to practice pharmacy as defined by [the] chapter, within or outside of a licensed pharmacy" (removing the limiting language "as authorized by this chapter" that followed "within or outside of a licensed pharmacy").

Following the amendment of the definition of "pharmacist" in BPC section 4036, the Board proposes the addition of regulations that implement and make specific requirements that shall be met in order for a pharmacist to engage in remote processing, and allow for additional duties pharmacists can perform outside of a licensed pharmacy/under "remote processing". The exact duties permitted will differ by pharmacy, depending on the pharmacy type and setting and what is approved by the PIC and specified in the pharmacy's policies and procedures. However, remote processing shall not include final product verification, supervision of pharmacy personnel, or the dispensing of a drug.

### **Anticipated Benefits of Proposal**

The Board's highest priority in exercising its licensing, regulatory, and disciplinary functions is protecting the public. The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, as well as worker safety.

This proposal allows for the expansion of the duties that can be performed as part of "remote processing" by making specific the conditions that shall be met in order for remote processing to occur. The pharmacy shall ensure security and confidentiality measures are in place and specified in the pharmacy's policies and procedures, thereby ensuring patient health and other personal information is secure. Requiring every pharmacist that engages in remote processing to have a designated space to perform remote processing, a space that shall be open to Board inspection, further aids in ensuring consumer health and other personal information is secure and that, if the information is not secure, the Board is made aware through inspections and corrective action can be taken to secure the information; additionally, if there are violations of pharmacy law and/or patients are harmed (including but not limited to their information not being secure) as a result of remote processing activities, having remote processing duties, agreements, and activities documented (in pharmacy policies and procedures,

written agreements, and records of remote processing activities, respectively), and maintained and available for the pharmacy's review and/or Board inspection, will assist in the discovery of what caused the problem and aid in the ability to take corrective action to fix the problem and ensure the best possible patient care. Having the PIC approve the specific duties to be performed under remote processing, and having those duties specified in the pharmacy's policies and procedures, will ensure that the duties are tailored not only to each pharmacy type and setting but, most importantly, to what will best serve patients' needs, so patients are consistently provided the highest standard of care, receive proper and thorough treatment, and have the best possible health outcomes. Finally, the inclusion of what is not permitted under "remote processing" will ensure that pharmacists do not remotely engage in final product verification, supervision of pharmacy personnel, or the dispensing of drugs; this ensures medications and devices remain in the (safe/sanitary and controlled) pharmacy, which protects patients and pharmacists, and ensures direct, in-person supervision of pharmacy personnel, which will better equip pharmacists and other pharmacy personnel to provide the best possible care to patients.

This regulatory proposal does not affect the state's environment.

### **Specific purpose of, and rationale for, proposed changes**

The Board proposes making the following changes:

#### **Subsection (a)**

The Board proposes adopting subsection (a), stating "A pharmacist located and licensed in the state may perform remote processing of prescriptions, from a location outside of a licensed facility, under the following conditions:".

The purpose of this addition is to introduce the requirements that must be met in order for a pharmacist to engage in remote processing of prescriptions.

This addition is necessary to ensure that only pharmacists that are California-licensed and located in California engage in remote processing of prescriptions, and that the requirements set forth in the subsection, created to safeguard the public and licensees, are met.

#### **Subsection (a)(1)**

The Board proposes adopting subsection (a)(1), stating "The pharmacy is responsible for ensuring all appropriate and necessary security and confidentiality provisions are in place, including compliance with HIPAA requirements, and specified in its policies and procedures."

The purpose of this addition is to establish that the pharmacy is responsible for ensuring all security and confidentiality safeguards are in place, and that all security and confidentiality measures are specified in the pharmacy's policies and procedures.

This addition is necessary to ensure that all sensitive consumer health and other personal information is protected, and all pertinent legal requirements are met. This

addition is also necessary to ensure that all security and confidentiality measures are documented in the pharmacy's policies and procedures so that the pharmacy, pharmacy personnel, and Board will be able to review this information.

#### Subsection (a)(2)

The Board proposes adopting subsection (a)(2), stating "The pharmacist has agreed to perform remote processing and designates the space to perform such processing in a written agreement with the pharmacy. Such space shall be open for inspection by the Board consistent with the provisions of Business and Professions Code section 4008."

The purpose of this addition is to establish the requirement that the pharmacist agrees to engage in remote processing and the requirements relating to the space where the remote processing shall be performed—that the pharmacist has a designated space to perform remote processing, that the pharmacist and pharmacy designate the space for remote processing in writing, and that the space shall be open for inspection by the Board.

This addition is necessary to ensure that consumer health and other personal information is secure and that, if the information is not secure, the Board is made aware through inspections and corrective action can be taken to secure the information. Additionally, if there are violations of pharmacy law and/or patients are harmed (including but not limited to their information not being secure) as a result of remote processing activities, having all remote processing duties, agreements, and activities documented (in pharmacy policies and procedures, written agreements, and records of remote processing activities, respectively), and maintained and available for the pharmacy's review and/or Board inspection, will assist in the discovery of what caused the problem and aid in the ability to take corrective action to fix the problem and ensure the best possible patient care.

#### Subsection (a)(3)

The Board proposes adopting subsection (a)(3), stating "The written agreement (including modifications) required in (a)(2) of this section shall be maintained, for at least three years following the pharmacist's employment, in a readily retrievable format and shall be available for inspection by the Board."

The purpose of this addition is to establish the records retention and production requirement regarding the written agreement (about the space designated for remote processing) between the pharmacist and pharmacy.

This addition is necessary to ensure that the written agreement (about the space designated for remote processing) between the pharmacist and pharmacy is maintained and available for the pharmacy's review and/or Board inspection. Additionally, if there are violations of pharmacy law and/or patients are harmed (including but not limited to their information not being secure) as a result of remote processing activities, having all remote processing duties, agreements, and activities documented (in pharmacy policies and procedures, written agreements, and records of remote processing activities, respectively), and maintained and available for the pharmacy's review and/or Board

inspection, will assist in the discovery of what caused the problem and aid in the ability to take corrective action to fix the problem and ensure the best possible patient care.

#### Subsection (a)(4)

The Board proposes adopting subsection (a)(4), stating “The duties for remote processing of prescriptions shall be approved by the pharmacist-in-charge and specified in the pharmacy’s policies and procedures.”

The purpose of this addition is to establish that the PIC be the one to approve the duties that can be performed via remote processing, and that the duties must be specified in the pharmacy’s policies and procedures.

This addition is necessary to ensure that the duties are tailored not only to each pharmacy type and setting but, most importantly, to what will best serve patients’ needs, so patients are consistently provided the highest standard of care, receive proper and thorough treatment, and have the best possible health outcomes. Requiring the duties to be specified in the pharmacy’s policies and procedures is necessary to ensure that all relevant parties (pharmacists engaging in remote processing, PICs, pharmacies allowing remote processing, and the Board) are fully informed of the duties that can be performed via remote processing. Additionally, if there are violations of pharmacy law and/or patients are harmed (including but not limited to their information not being secure) as a result of remote processing activities, having all remote processing duties, agreements, and activities documented (in pharmacy policies and procedures, written agreements, and records of remote processing activities, respectively), and maintained and available for the pharmacy’s review and/or Board inspection, will assist in the discovery of what caused the problem and aid in the ability to take corrective action to fix the problem and ensure the best possible patient care.

#### Subsection (a)(5)

The Board proposes adopting subsection (a)(5), stating “(5) A pharmacy shall maintain a record of all the pharmacist’s activities performed pursuant to this section.”

The purpose of this addition is to establish the records retention requirement that the pharmacy maintain a record of all pharmacist remote processing activities.

This addition is necessary to ensure that pharmacist remote processing activities are documented and that these records are kept by the pharmacy. In addition to these records being helpful generally to the pharmacists engaging in remote processing, PICs, pharmacies allowing remote processing, and the Board, if there are violations of pharmacy law and/or patients are harmed (including but not limited to their information not being secure) as a result of remote processing activities, having all remote processing duties, agreements, and activities documented (in pharmacy policies and procedures, written agreements, and records of remote processing activities, respectively), and maintained and available for the pharmacy’s review and/or Board inspection, will assist in the discovery of what caused the problem and aid in the ability to take corrective action to fix the problem and ensure the best possible patient care.



### Subsection (b)

The Board proposes adopting subsection (b), stating “For purposes of this section, “remote processing of prescriptions” does not include final product verification, supervision of pharmacy personnel, or the dispensing of a drug.”

The purpose of this addition is to establish what duties are not permitted to be performed via remote processing.

This addition is necessary to ensure that pharmacists do not remotely engage in final product verification, supervision of pharmacy personnel, or the dispensing of drugs. This ensures medications and devices remain in the (safe/sanitary and controlled) pharmacy, which protects patients and pharmacists. This also ensures direct, in-person supervision of pharmacy personnel, which will better equip pharmacists and other pharmacy personnel to provide the best possible care to patients.

### Underlying Data

- A. Relevant Meeting Agenda and Minutes from the Board of Pharmacy Meeting held March 27, 2020 (Meeting Agenda Items IV, V, and VI (4), Meeting Minutes)
- B. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held May 7, 2020 (Meeting Agenda, Meeting Materials Agenda Item VI, Meeting Minutes)
- C. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held July 29-30, 2020 (Meeting Agenda, Meeting Materials Agenda Item XII, Meeting Minutes)
- D. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held October 27-28, 2020 (Meeting Agenda, Meeting Materials Agenda Item XVI (a), Meeting Minutes)
- E. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held December 10, 2020 (Meeting Agenda, Meeting Materials Agenda Items IV(h) and V, Meeting Minutes)
- F. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held April 29-30, 2021 (Meeting Agenda, Meeting Materials Agenda Item XIII(a), Meeting Minutes)
- G. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held September 23, 2021 (Meeting Agenda, Meeting Materials Agenda Item IV(a), Meeting Minutes)
- H. Relevant Meeting Agenda, Materials and Minutes from the Licensing Committee Meeting held October 20, 2021 (Meeting Agenda, Meeting Materials Agenda Item IV, Meeting Minutes)
- I. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held October 27-28, 2021 (Meeting Agenda, Meeting Materials Agenda Item VI(a) and XI(a), Meeting Minutes)
- J. Relevant Meeting Agenda, Materials and Minutes from the Licensing Committee Meeting held January 19, 2022 (Meeting Agenda, Meeting Materials Agenda Item IV, Meeting Minutes)

- K. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held January 27-28, 2022 (Meeting Agenda, Meeting Materials Agenda Item XIII(a) and XVII(a), Meeting Minutes)
- L. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held April 26-27, 2022 (Meeting Agenda, Meeting Materials Agenda Item VI and XVI(a), Meeting Minutes)
- M. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held July 27-28, 2022 (Meeting Agenda, Meeting Materials Agenda Item XVI(a), Meeting Minutes)
- N. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held October 25-26, 2022 (Meeting Agenda, Meeting Materials Agenda Item XVIII(a), Meeting Minutes)
- O. Relevant Meeting Agenda, Materials and Minutes from the Licensing Committee Meeting held January 24, 2023 (Meeting Agenda, Meeting Materials Agenda Item XI, Meeting Minutes)
- P. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held February 6-7, 2023 (Meeting Agenda, Meeting Materials Agenda Item XII(h) and XIV(a), Meeting Minutes)
- Q. Relevant Meeting Agenda, Materials and Minutes from the Licensing Committee Meeting held April 5, 2023 (Meeting Agenda, Meeting Materials Agenda Item IV, Meeting Minutes)
- R. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held April 19-20, 2023 (Meeting Agenda, Meeting Materials Agenda Item VII and XV(a), Meeting Minutes)
- S. Relevant Meeting Agenda, Materials and Minutes from the Licensing Committee Meeting held July 19, 2023 (Meeting Agenda, Meeting Materials Agenda Item IV, Meeting Minutes)
- T. Relevant Meeting Agenda, Materials and Minutes from the Licensing Committee Meeting held October 18, 2023 (Meeting Agenda, Meeting Materials Agenda Item IV, Meeting Minutes)
- U. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held November 1-2, 2023 (Meeting Agenda, Meeting Materials Agenda Item VI(e)(v), XIII(a) and XIV(a)(8), Meeting Minutes)
- V. AB 1557 (Flora, Chapter 141, Statutes of 2023)
- W. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held February 8, 2024 (Meeting Agenda, Meeting Materials Agenda Item XIV(c)(1), Meeting Minutes)
- X. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held November 6-7, 2024 (Meeting Agenda, Meeting Materials Agenda Item IX, Meeting Minutes)
- Y. Sunset Report Volumes I and II with Board Response to Oversight Committee Including Relevant Materials Related to Remote Processing
- Z. Relevant Meeting Agenda, Materials and Minutes from the Board Meeting held February 5-6, 2025 (Meeting Agenda, Meeting Materials Agenda Item XII, Meeting Minutes)
- AA. Relevant Meeting Agenda, Materials and Minutes from the Legislation and Regulation Committee Meeting held April 9, 2025 (Meeting Agenda, Meeting Materials Agenda Item IV(i), Meeting Minutes)



- BB. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held April 9-10, 2025 (Meeting Agenda, Meeting Materials Agenda Item XV(a)(9), Meeting Minutes)
- CC. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held June 19-20, 2025 (Meeting Agenda, Meeting Materials Agenda Item XV(a)(9), Meeting Minutes)
- DD. AB 1503 (Berman, Chapter 196, Statutes of 2025)
- EE. Relevant Meeting Agenda, Materials and Minutes from the Licensing Committee Meeting held October 15, 2025 (Meeting Agenda, Meeting Materials Agenda Item V, Draft Excerpt of Meeting Minutes)
- FF. Relevant Meeting Agenda, Materials and Minutes from the Board of Pharmacy Meeting held November 5-6, 2025 (Meeting Agenda, Meeting Materials Agenda Item XIII(b)(ii), Draft Excerpt of Meeting Minutes)

### Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts:

The proposed regulations establish the requirements for remote processing and provide greater flexibility for pharmacists to engage in remote processing. These regulations will benefit licensees and consumers. Any additional workload or costs are a result of current law.

### Economic Impact Assessment

The Board concludes that this proposal will not:

- (1) create jobs within California because the regulations specify remote processing requirements;
- (2) eliminate jobs within California because the regulations specify remote processing requirements;
- (3) create new businesses within California because the regulations specify remote processing requirements;
- (4) eliminate existing businesses within California because the regulations specify remote processing requirements; and
- (5) expand businesses currently doing business in the State of California because the regulations specify remote processing requirements.

Any additional workload or costs are a result of current law.

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, as well as worker safety.

This proposal clarifies, interprets, and makes specific current law in Chapter 196, Statutes of 2025 (AB 1503). Language is being added to delineate requirements for remote processing to ensure each pharmacy, PIC and pharmacist involved in remote processing after January 1, 2026, are aware of the requirements to perform remote processing, as specified.

The addition of the regulation will benefit licensees and consumers by delineating the requirements of the pharmacies to allow pharmacists to remotely process prescriptions, which benefits the health and welfare of California consumers.

This regulatory proposal does not affect the state's environment.

#### Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

#### Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

The Board considered not adopting the proposed regulations; however, the Board concluded that allowing broader remote processing will benefit licensees and the public, and specific requirements for remote processing are necessary in order to protect the public.

#### Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business

No such alternatives have been proposed, however, the Board welcomes comments from the public.