

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BOARD OF PHARMACY

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Remote Processing

NOTICE IS HEREBY GIVEN that the California State Board of Pharmacy (Board) proposes taking the rulemaking action described under the heading Informative Digest/Policy Statement Overview below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person or that person's authorized representative no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Persons" in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office no later than February 24, 2026, or must be received by the Board at the hearing, should one be scheduled.

Authority and Reference: Pursuant to the authority vested by Business and Professions Code (BPC) sections 4005 and 4036, the Board proposes adding section 1717.11 to Division 17 of Title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board is a state agency vested with the authority to license and regulate the pharmacy industry, including pharmacies, pharmacists, and pharmacy technicians (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> [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 recent 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 such 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.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board conducted a search of any similar regulations on this topic and concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The proposed regulations do not result in a fiscal impact to the state.

Any workload or costs are a result of current law.

The proposed regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None.

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

Business Impact Estimates:

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:

Any additional workload or costs are a result of current law. The proposed addition of these regulations is intended to 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." These regulations will benefit licensees and consumers and will not have any adverse effects.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any negative cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Any additional workload or costs are a result of current law.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/New Businesses:

The Board concludes that this proposal will not:

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

Benefits of Regulation:

The Board has determined this proposal will have the following benefits to the health and welfare of California residents:

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.

Business Reporting Requirements

This regulatory proposal does not require businesses to file a report with the Board.

Effect on Small Business:

While the Board does not have, nor does it maintain, data to determine if any of its licensees (pharmacies) are a "small business," as defined in Government Code section 11342.610, the Board has determined that the proposed regulatory action impacts pharmacies, including small businesses that may serve patient populations through remote processing. However, any additional workload or costs are a result of current law.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been

identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments relevant to the above determinations in writing, at the address listed below for the Contact Persons, during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons, proposed regulatory text, and all the information upon which the proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 2720 Gateway Oaks Drive, Ste. 100, Sacramento, California 95833, or from the Board of Pharmacy's website at http://www.pharmacy.ca.gov/laws_regs/pending_regs.shtml.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the Contact Person named below or by accessing the website listed below.

Contact Persons

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Debbie Damoth
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2720 Gateway Oaks Drive, Ste. 100
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Phone No.: (916) 518-3100
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The backup contact person is:

Name: Julia Ansel
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2720 Gateway Oaks Drive, Ste. 100
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AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board of Pharmacy's website at: https://www.pharmacy.ca.gov/laws_regs/pending_regs.shtml.