

Jenny Chang
23 Corporate Plaza, Suite 215
Newport Beach, CA 92660

October 7, 2025

Via electronic mail to: anne.sodergren@dca.ca.gov

Board of Pharmacy
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833

RE: Petition to Amend 16 CCR § 1709.1

To Whom It May Concern:

I am petitioning the Board of Pharmacy (BOP) pursuant to Government Code (GC) section 11340.6 to request the adoption or amendment of a regulation pursuant to Article 5 of the Administrative Procedure Act (APA) (GC sections 11340 et seq.) to clarify California Code of Regulations, title 16, section (Regulation) 1709.1. The BOP is authorized to amend Regulation 1709.1 or adopt a regulation to clarify it under Business and Professions Code section 4005.

Subdivision (a) of Regulation 1709.1 states that, “[t]he pharmacist-in-charge (PIC) of a pharmacy shall be employed at that location and shall have responsibility for the daily operation of the pharmacy.” However, the term “employed” can, on its face, be reasonably and logically interpreted to mean both “hired to work as an employee” or “hired to work as an independent contractor.” Additionally, the term “employed” does not have a meaning generally familiar to those directly affected by the regulation, and the term is neither defined in the regulation nor in the governing statute. I work in a capacity that requires me to ensure compliance with Regulation 1709.1 in order to approve applications for certain state benefits; thus, I am directly affected by this regulation. It is unclear whether a pharmacist-in-charge hired as an independent contractor satisfies the requirements of Regulation 1709.1, subdivision (a). For these reasons, Regulation 1709.1 does not meet the clarity standard of the APA under GC section 11349, subdivision (c). (See also Cal. Code Regs., title 1, section 16, subd. (a)(1), (3).)

I have previously requested guidance regarding this question from the BOP’s “Ask an Inspector” program as well as from BOP management, and they did not provide any. Thus, I request that the BOP adopt a regulation or amend Regulation 1709.1 to clarify whether

engaging the services of an independent contractor constitutes “employed” for purposes of Regulation 1709.1, subdivision (a). Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Jenny Chang". The script is fluid and cursive, with the first letters of each name being capitalized and prominent.

Jenny Chang

cc (via e-email): Office of Administrative Law (staff@oal.ca.gov)