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Business, Consumer Services and Housing Agency
Department of Consumer Affairs
Gavin Newsom, Governor



To: Board Members

Subject: Agenda Item VI. Review and Possible Amendment to Policy Granting President Discretion to Waive Provisions of Pharmacy Pursuant to Business and Professions Code section 4062, Including the Authority to Extend Waivers

Background

Consistent with Business and Professions Code (BPC) section 4062, the California State Board of Pharmacy (Board) has the authority to waive provisions of Pharmacy Law or its regulations adopted pursuant to it if, in the board's opinion, the waiver will aid in the protection of public health or the provision of patient care. Further, the Board's policy delegates to the president the authority to grant waivers under specified conditions.

During its March 2020 meeting, the Board delegated the authority to the Board president to extend previously granted waivers not considered by the board for up to 90 days.

For Board Discussion and Consideration

In light of the ongoing public health crisis resulting from COVID-19, and in consideration of statements made by experts that a resurgence of the virus could occur later this year, it appears appropriate to consider if additional conditions of delegated authority or extension authority should be granted to the Board president.

Under the Board's current policy, the Board president may approve a waiver for up to 30 days under specified conditions. The president's authority to extend waivers is limited to waivers not previously considered and approved by the Board. The following questions are offered to assist in the discussion:

1. Should the Board consider extending authority for the president to initially approve waivers beyond 30 days? If so, what is an appropriate period of time, e.g. 150 days or until the next scheduled Board meeting, whichever is later unless extended by Board action?
2. Should the Board considering delegating authority to the president to extend waivers previously approved by the board? If so, what is an appropriate time period, e.g., and addition 180 days or through the duration of the declared disaster as deemed appropriate by the president?