



January 27, 2021

Debbie Veale, R.Ph.  
Chair, Licensing Committee  
California Board of Pharmacy  
2720 Gateway Oaks Dr, Ste. 100  
Sacramento, CA 95833

**RE: Comments on Agenda Item b**

Dear Ms. Veale,

The California Pharmacists' Association (CPhA) is writing to you today to provide comments on Agenda Item b of the Licensing Committee's report scheduled to be heard on January 27, 2021 relating to the expansion of authority for pharmacists to order and administer CLIA-waived testing for Influenza and COVID-19.

While CPhA supports the legislative proposal in concept, we respectfully request that the Board accept our recommended amendment.

Business and Professions Code 4052.4:

*(b) A pharmacist may perform any aspect of any FDA approved or authorized point-of care test for the presence of SARS-CoV-2 or influenza that are classified as waived pursuant to the federal Clinical Laboratory Improvement Amendments as described in (a) under the following conditions:*

- 1. The pharmacist completes the testing in a pharmacy licensed by the Board and that is appropriately licensed in California as a laboratory pursuant to BPC 1265.*
- 2. The pharmacist has completed necessary training as specified in the pharmacy's policies and procedures.*

The Administration has made increasing COVID testing a priority as illustrated by the Department of Consumer Affairs' (DCA) waiver of Pharmacy Law allowing pharmacists and pharmacy technicians to conduct these tests. CPhA would like to see this authority made permanent. However, the Committee's proposal seems to limit COVID testing to "*in a pharmacy licensed by the Board.*" CPhA is concerned that this will not only confuse licensees about where they may perform testing, but would also disallow testing that is currently occurring outside of the licensed pharmacies.

In order to provide for appropriate social distancing, some pharmacies are performing COVID-19 testing on the sidewalk in front of the pharmacy, drive-thru testing, schools, places of business, etc., outside of the four walls of the pharmacy. CPhA is concerned this condition would not only severely limit pharmacists' ability to test in greater quantities, but it also encourages patients to gather in and around pharmacies, potentially violating social distancing guidelines. For these reasons, we respectfully request the Board to consider removing this condition from the legislative proposal.

Additionally, DCA's waiver also allows the ability for pharmacists to order and collect specimens for medium and high complexity, non-CLIA waived tests for COVID. That authority is not listed in the Committee's proposal. CPhA requests that this be included as it

has greatly helped testing efforts for those needing testing that involves nasal-pharyngeal swabs.

CPhA appreciates the Board's willingness to explore a permanent authority for pharmacists to conduct COVID-19 and influenza testing. CPhA also appreciates opportunity to provide comment on this agenda item. Should you have any questions about these comments, please don't hesitate to contact me at [dmartinez@cpha.com](mailto:dmartinez@cpha.com) or at (916) 779-4519. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'DM', is positioned above the typed name.

Danny Martinez  
Director, Regulatory Affairs and Policy Development  
California Pharmacists Association