



California State Board of Pharmacy
2720 Gateway Oaks Drive, Ste 100
Sacramento, CA 95833
Phone: (916) 518-3100 Fax: (916) 574-8618
www.pharmacy.ca.gov

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



To: Board Members

Subject: IV. Discussion and Consideration of Requests to Waive Provisions of Pharmacy Law Pursuant to Business and Professions Code Section 4062

a. Consider of Policy Granting President Discretion to Waive Provisions of Pharmacy Law

Beginning in March 2020, the Board has been granting waivers of Pharmacy Law and its regulations consistent with the authority of Business and Professions Code (BPC) section 4062. During the pandemic the Board has delegated authority to the Board President to approve waivers. As part of the December 10, 2020 meeting, members delegated to the President the authority to use discretion on waivers included in the meeting materials through August 31, 2021, or sooner at the President's discretion.

Under separate delegated authority, the President has the authority to issue a waiver for 90 days, and authority to extend waivers for two additional 90-day periods.

Regrettably as the declared disaster and the dynamic nature of the pandemic continues, it may be appropriate for the Board to consider if changes to the Board President's delegated authority is appropriate to allow the Board to quickly respond as appropriate.

For Board Consideration and Discussion

To initiate the discussion, the Board may wish to consider modifying the current delegated authority granted to the Board President to approve or extend waivers as appropriate based on current conditions through June 31, 2022 or until 90 days following the declared disaster, whichever is sooner.

b. Consideration of Mass Vaccination Site Waiver

Background

To help facilitate the significant COVID-19 vaccination effort, the Board approved a waiver to allow for the rapid deployment and administration of COVID-19 vaccines through [mass vaccination sites](#).

The current waiver was amended and reissued on April 21, 2021. The conditions of the waiver allow for the storage and redistribution of FDA-authorized COVID-19 vaccines in compliance with California Department of Public Health (CDPH) and CDC Guidance related to such sites and further allows for pharmacy technicians to be used as part of the vaccination team under specified conditions.

The current waiver will expire on October 16, 2021, and is not eligible for further extension under the President's current delegated authority.

For Board Consideration and Discussion

With the anticipated need for COVID-19 booster vaccines, it appears appropriate to extend the waiver beyond the October 16, 2021 expiration. One possible approach is to delegate to the Board President the authority to extend the waiver at their discretion after consultation with the CDPH.

c. Consideration of Site-Specific Waiver for California Department of Public Health Alternate Care Site Facility – Sacramento, HPE 57779

Background

The Board issued a license to the above facility as part of California's efforts to increase surge capacity. The license was issued on April 13, 2020, under the provisions BPC Section 4110, for a 180-day. The license expired on November 4, 2020. Subsequent to the expiration as the need to reactivate the surge location became apparent, former President Lippe authorized a waiver to BPC section 4110 to allow for the reinstatement of the license for 90-days. The license was reactivated on November 19, 2020. The temporary license was subsequently extended through an action of the Board at its January 2021 Meeting until August 31, 2021.

For Board Consideration and Discussion

Board staff have received a request to further extend the license through the end of the year. However, given the dynamic nature of the virus, one possible approach is to delegate to the Board President the authority to extend the waiver at their discretion after consultation with the CDPH. Such an approach could allow for more flexibility.