DRAFT: California State Board of Pharmacy Frequently Asked Questions

New Questions:

Category: Ask Inspector – Pharmacist and Technician/Intern Duties and Identification
Question: What is the pharmacist to pharmacy technician ratio?
Answer: Business and Professions Code (BPC) section 4115(g)(1) specifies that the following requirements apply for all practice settings except for an inpatient of a licensed health facility, a patient of a licensed home health agency, an inmate of a correctional facility of the Department of Corrections and Rehabilitation, and for a person receiving treatment in a facility operated by the State Department of State Hospitals, the State Department of Developmental Services, or the Department of Veterans Affairs:

1. A pharmacy with only one pharmacist shall have no more than three pharmacy technicians performing the tasks specified in subdivision (a) of BPC section 4115 (i.e., packaging, manipulative, repetitive, or other nondiscretionary tasks).

2. A pharmacy with only one pharmacist shall have no more than one pharmacy technician performing the tasks specified in subdivision (b) of BPC section 4115 (these include preparation and administration of certain vaccines and/or epinephrine, performing specimen collection for certain tests, initiating and receiving prescription transfers, and accepting clarification on prescriptions, subject to specified conditions). If a pharmacy technician is performing the tasks specified in subdivision (b) of section 4115, a second pharmacy technician shall be assisting a pharmacist with performing tasks specified in subdivision (a) of section 4115.

3. The ratio of pharmacy technicians performing the tasks specified in subdivision (a) of section 4115 to any additional pharmacist shall not exceed 3 to 1, except that this ratio shall not apply to personnel performing clerical functions pursuant to BPC section 4116 or 4117.

BPC section 4115(g)(3) states that a pharmacist scheduled to supervise a second pharmacy technician may refuse to supervise a second pharmacy technician if the pharmacist determines, in the exercise of their professional judgment, that permitting the second pharmacy technician to be on duty would interfere with the effective performance of the pharmacist's

responsibilities under the Pharmacy Law. (See BPC section 4115(g)(3) for additional provisions that apply in such situations.)

BPC section 4113, subdivision (c), paragraph (3), requires the pharmacist-in-charge (PIC) to determine the appropriate pharmacist-to-technician ratio, provided that the ratio does not exceed the maximum ratio established in subdivision (g) of BPC section 4115. No other person, permittee, or licensee shall interfere with the exercise of the PIC's independent professional judgment in setting the ratio.

Note: Pursuant to BPC section 4115(g)(2), the Board may adopt regulations establishing the ratio applicable to the filling of prescriptions of an inpatient of a licensed health facility and for a patient of a licensed home health agency. See California Code of Regulations (CCR), title 16, section 1793.7(f) for the ratio requirements applicable to these settings.

Note: For an inmate of a correctional facility of the Department of Corrections and Rehabilitation, and for a person receiving treatment in a facility operated by the State Department of State Hospitals, the State Department of Developmental Services, or the Department of Veterans Affairs, see BPC section 4115(g) and CCR, title 16, section 1793.7(f).

Revised October 2026

Category: Ask Inspector – Medication Error Reporting
Question: Do I still have to complete a quality assurance (QA) review for a medication error if my pharmacy is required to report the error to the California Medication Error Reporting (CAMER) system?
Answer: Yes. Business and Professions Code (BPC) section 4113.1 establishes requirements for a "community pharmacy" (as defined in section 4113.1) to report medication errors to an entity approved by the Board no later than 14 days following the date of discovery of the error. Such errors must be reported to the CAMER system, which is administered by the Institute for Safe Medication Practices (ISMP), the Board-approved entity for purposes of BPC section 4113.1 medication error reporting.

BPC section 4125 requires every pharmacy to establish a QA program that shall, at a minimum, document medication errors attributable, in whole or in part, to the pharmacy or its personnel. The purpose of the QA program shall be to assess errors that occur in the pharmacy in dispensing or furnishing prescription medications so that the pharmacy may take appropriate action to prevent a recurrence. California Code of Regulations (CCR), title 16, section 1711, which specifies that all medication errors discovered shall be subject to a QA review,

establishes further requirements regarding QA programs, including the requirement that the program be managed in accordance with written policies and procedures, and the requirement that an investigation of each medication error shall commence as soon as is reasonably possible, but no later than 2 business days from the date the medication error is discovered.

It is important to note that while the QA program requirement under BPC section 4125 and CCR, title 16, section 1711 and the medication error reporting requirement under BPC section 4113.1 both relate to medication errors, they are separate and distinct requirements under pharmacy law.

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Category: Licensees – Nonresident Pharmacies
Question: Are all pharmacists working in a licensed nonresident pharmacy required to be licensed in California?
Answer: No. However, the pharmacist-in-charge (PIC) of a licensed nonresident pharmacy must be licensed in California. (See Business and Professions Code section 4112(d), which states that as a prerequisite to registering with the Board and ongoing licensure, a nonresident pharmacy shall identify a California-licensed pharmacist employed and working at the nonresident pharmacy to be proposed to serve as the PIC.)

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Updated Questions:

Category: Licensees-Electronic Data Transmission Prescriptions (E-Prescriptions)

Question: Who must comply with California's requirements for the prescribing and dispensing of electronic data transmission prescriptions?
Answer: Licensees of the California State Board of Pharmacy are subject to the e-prescribing requirements established under Business and Professions Code section 688. All prescriptions issued by a licensed health care practitioner to a California pharmacy must be submitted electronically, unless specified exceptions are met. In addition, all California pharmacies must have the capability to receive prescriptions electronically.

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Category: Licensees Medication Error Reporting

Question: What is considered a medication error for purposes of Business and Professions Code (BPC) section 4113.1?
Answer: BPC section 4113.1, subdivision (d), states that for purposes of BPC section 4113.1, the term "medication error" includes any variation from a prescription drug order not authorized by the prescriber, including, but not limited to, errors involving the wrong drug, the wrong dose, the wrong patient, the wrong directions, the wrong preparation, or the wrong route of administration, but does not include any variation that is corrected prior to dispensing to the patient or patient's agent or any variation allowed by law.
[Reference: BPC 4113.1(d)]
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Category: Licensees - Medication Error Reporting

Question: Are nonresident pharmacies required to report all medication errors to the Board-approved entity under Business and Professions Code (BPC) section 4113.1?
Answer: BPC section 4113.1, subdivision (f), states that a pharmacy licensed pursuant to BPC section 4112 (i.e., a nonresident pharmacy) shall only be required to report medication errors related to prescriptions dispensed to California residents.
[Reference: BPC 4113.1(f)]

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Category: Licensees - Medication Error Reporting

Question: My outpatient infusion center pharmacy holds a PHY license type. Do I need to report medication errors to ISMP?

Answer: If an infusion center pharmacy with a license type of "PHY" dispenses drugs to outpatients for administration, and the exemption set forth in BPC 4113.1(e) does not apply, the pharmacy is required to report the error to ISMP.
Category: Licensees - Pharmaceutical and Sharps Waste Stewardship Programs

Question: What are the California State Board of Pharmacy's responsibilities under California's pharmaceutical and sharps waste stewardship program?
Answer: Senate Bill 212 (Jackson, Chap. 1004, Statutes of 2018) was signed by Governor Newsom on September 30, 2018. This bill was codified in the California Public Resources Code, sections 42030-42036.4. This bill leveraged existing law regarding drug-take back provisions established under pharmacy law and

federal law and medical waste management provisions administered by the California Department of Public Health to create a new stewardship program to ensure that a "covered entity" pays for the proper disposal of "covered products" shipped into California. This Board was given certain enumerated responsibilities under the bill. The bill requires the following with respect to the Board of Pharmacy:

- By April 1, 2021, "covered entities" were to report to the Board to provide a list of the "covered products" and a list of drugs or sharps that are not covered products that it sells or offers for sale in California. Pub. Resources Code section 42031(a)(1).
- By January 15 each year, a "covered entity" or the stewardship program to which it belongs must update its list of "covered products" and uncovered products with the Board. Pub. Resources Code section 42031(a)(2).
- By April 1, 2021, retail pharmacies that sell a covered product under its own store label were required to notify the Board of the "covered entity" that supplied the retail pharmacy with its store label covered products. Pub. Resources Code section 42031(b).
- The Board must verify the information received pursuant to subdivisions (a) and (b) of section 42031. Pub. Resources Code section 42031(c).
- The Board also must review proposed stewardship plans for compliance with pharmacy law and make a determination whether the plan complies with pharmacy law. Pub. Resources Code section 42032(b).

The Board has other authorized duties under this law. However, primary oversight over the implementation of this program lies with the California Department of Resources Recycling and Recovery (CalRecycle), including final approval of stewardship plans and enforcement of these provisions.

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Category: Licensees - Pharmacy Technician Expanded Duties

Question: What are the expanded duties pharmacy technicians may now perform in addition to the traditional tasks pharmacy technicians may perform pursuant to Business and Professions Code (BPC) section 4115, subdivision (a) (i.e., packaging, manipulative, repetitive, or other nondiscretionary tasks only while assisting, and while under the direct supervision and control of, a pharmacist)?
Answer: BPC section 4115, subdivision (b)(1) states that a certified pharmacy technician as defined in BPC section 4202 may perform the following duties **under specified conditions:**

- Prepare and administer influenza and COVID-19 vaccines via injection or intranasally
- Prepare and administer epinephrine
- Perform specimen collection for tests that are classified as CLIA
- Initiate and receive prescription transfers and accept clarification on prescriptions

[Reference: BPC 4115(b)(1)]

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Category: Licensees – Pharmacy Technician Expanded Duties

Question: What are the specified conditions that must be met for a pharmacy technician to perform the expanded duties set forth in Business and Professions Code (BPC) section 4115(b)(1)?
Answer: BPC section 4115(b)(1) states the specified conditions are as follows:

- The duties are performed under the direct supervision and control of a pharmacist.
- The pharmacy has scheduled another pharmacy technician to assist the pharmacist by performing the tasks provided in subdivision (a) of BPC section 4115 (i.e., packaging, manipulative, repetitive, or other nondiscretionary tasks).
- The pharmacy technician is certified as defined in BPC section 4202.
- If the technician prepares and administers vaccines (or epinephrine):
    - Prior to performing administration of vaccines, the pharmacy technician has successfully completed at least six hours of practical training approved by the Accreditation Council for Pharmacy Education and includes hands-on injection technique, the recognition and treatment of emergency reactions to vaccines, and an assessment of the pharmacy technician's injection technique.
    - The pharmacy technician is certified in basic life support.

Note: The pharmacy technician certification programs approved by the Board are listed in California Code of Regulations, title 16, section 1793.65.
[Reference: BPC 4115(b)(1)]

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Category: Licensees -Staffing Decisions

Question: I am the pharmacist-in-charge (PIC) of a pharmacy. What staffing decisions can I make?
Answer: Business and Professions Code section 4113, subdivision (c), paragraph (2) states that the PIC **shall** make staffing decisions to ensure sufficient personnel are present in the pharmacy to prevent fatigue, distraction, or other conditions that may interfere with a pharmacist's ability to practice competently and safely. The Board recommends that the PIC document their efforts to ensure sufficient staff are present.

Note: These provisions do not apply to facilities of the Department of Corrections and Rehabilitation.
[Reference: BPC 4113(c)(2)]

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Category: Licensees - Unprofessional Conduct

Question: Is a chain community pharmacy required to post a notice for pharmacy personnel that provides information on how to file a complaint?
Answer: Yes. Business and Professions Code section 4113.6, subdivision (c) states that a chain community pharmacy shall post, in a prominent place for pharmacy personnel, a notice that provides information on how to file a complaint with the Board.
[Reference: BPC 4113.6(c)]

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Licensees - Unsafe Pharmacy Conditions

Question: I am concerned that the working conditions of the pharmacy are harmful. What should I do?
Answer:
Business and Professions Code section 4113, subdivision (d), paragraph (1) states that the pharmacist-in-charge (PIC) or pharmacist on duty shall immediately notify store management or the building owner or a similar entity of any conditions that present an immediate risk of death, illness, or irreparable harm to patients, personnel, or pharmacy staff. Conditions that present an immediate risk of death, illness, or irreparable harm to patients, personnel, or pharmacy staff may include, but are not limited to, any of the following:

- Workplace safety and health hazards that present an immediate risk of death, illness, or irreparable harm to patients, personnel, or pharmacy staff.

- Sustained temperatures that could impact ambient temperature drug stability according to manufacturer data on acceptable drug storage conditions.
- Vermin infestation that poses a risk to the safety or efficacy of medicine.

The Board recommends that the PIC or pharmacist on duty document any such notification made by them to store management or the building owner or a similar entity. The Board also recommends that pharmacies establish policies and procedures for the notification process to ensure reporting personnel and store management (or the building owner or a similar entity) have a common understanding of the process to be used.

Note: Nothing in subdivision (d) of section 4113 shall be construed as presenting, limiting, or restraining a PIC, pharmacy technician, or member of the public from communication with the Board, including filing a complaint.

[Reference: BPC 4113(d)]

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