

**Department of Consumer Affairs
Title 16. Board of Pharmacy**

**Modified Regulation Text
Discontinuance of Business**

Proposed changes made to the current regulation language are shown by ~~strike through~~ for deleted language and underline for added language.

Modified changes made to the proposed regulation language are shown by ~~double strike through~~ for deleted language and double underline for added language.

Amend section 1708.2 of Article 2 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

- (a) Any permit holder shall contact the ~~b~~Board prior to transferring or selling any dangerous drugs, devices, or hypodermics inventory as a result of termination of business or bankruptcy proceedings (individually or collectively referred to as a "closure") and shall follow official instructions given by the ~~b~~Board applicable to the transaction.
- (b) In addition to the requirements in (a), a pharmacy that shall cease operations due to a closure (cessation or substantial cessation) shall complete the following:
- (1) At least ~~30~~45 days in advance of the closure, provide written notice to patients that have received a prescription within the last year, in a form in which the pharmacy regularly communicates or advertises to its patients. At a minimum, this notice shall include:
- (A) the name of the patient and if one exists and is known to the pharmacy, the name of the legal representative of the patient,
- (B) the name and physical address of the pharmacy closure,
- (C) the name of the pharmacy where patient records will be transferred and maintained, and
- (D) information on how to request a prescription transfer prior to closure of the pharmacy.
- (2) Reverse all prescriptions for which reimbursement was sought but the prescriptions are not picked up by patients,
- (3) Provide the Board with a copy of the notice specified in subsection (b)(1), and
- (4) The owner shall be responsible for compliance with the requirements of this section. The owner, the pharmacist-in-charge, if available, shall certify compliance with the requirements in this section. In the event the pharmacist-in-charge is no longer available, the owner must certify the compliance, along with a pharmacist retained to perform these functions.
- (5) Post a written notice of the closure with the planned closure date in a conspicuous location at the pharmacy's entrance.
- (6) A general acute care hospital pharmacy that is owned by a health facility as defined in Section 1250 of the Health and Safety Code, and meets the requirements of Business and Professions Code section 22949.92(a)(1)(B)(iii), shall be exempt from the requirements of subdivision (b).

NOTE: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4080, 4081, 4113, 4332, ~~and 4333~~, 22949.92, and 22949.92.1, Business and Professions Code; and Section 11205, Health and Safety Code.