

**DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BOARD OF PHARMACY**

**NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Pharmacy Technician Fees**

NOTICE IS HEREBY GIVEN that the California State Board of Pharmacy (Board) proposes taking the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office by Monday, September 9, 2024.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. The Board will, however, hold a hearing if it receives a written request for a public hearing from any interested person, or that person's authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing, addressed to the individuals listed under "Contact Person" in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under "Contact Person" in this Notice, must be received by the Board at its office no later than Monday, September 9, 2024, or must be received by the Board at the hearing, should one be scheduled.

Authority and Reference: Sections 4005 and 4400, Business and Professions Code (BPC). Reference: Sections 163.5, 4005, 4044.3, 4053, 4053.1, 4110, 4112, 4119.01, 4119.11, 4120, 4127.1, 4127.15, 4127.2, 4128.2, 4129.1, 4129.2, 4129.8, 4130, 4160, 4161, 4180, 4180.5, 4187, 4190, 4196, 4200, 4202, 4202.5, 4203, 4208, 4210, 4304, 4400, 4401, and 4403, BPC.

Informative Digest/Policy Statement Overview

The Board is a state agency vested with the authority to regulate the pharmacy industry, including pharmacies, pharmacists, and pharmacy technicians (BPC section 4000, et seq.). The Board's mandate and mission are to protect the public (BPC section 4001.1).

BPC section 4400 establishes the fee schedule for application, renewal, and other fees for Board applicants and licensees. BPC section 4400 was amended (Senate Bill 816, Chapter 723, Statutes of 2023), and its revised fee schedule that will become operative January 1, 2025.

This regulatory proposal will amend the existing fee regulation at Title 16, California Code of Regulations (CCR) section 1749, making specific the pharmacy technician

license renewal fee and reducing it from the pre-set fee established in amended BPC section 4400. This regulatory proposal will also make specific the delinquency fee that will be assessed for failure to renew pharmacy technician licenses. (Concurrently, a separate Section 100 regulatory proposal will amend this regulation section to set the other fees at the pre-set levels established in statute.)

Anticipated Benefits of the Proposed Regulations

Protection of the public is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. This regulatory proposal benefits the health and welfare of California residents by removing a potential barrier to continued pharmacy technician licensure (through a reduced license renewal fee) while ensuring the Board has sufficient resources to maintain its current operations (licensing, regulation, and enforcement activities) and meet its consumer protection mandate. Additionally, this proposal makes specific the Board's pharmacy technician renewal fee and delinquency fee in accordance with the recent recasting of Board fees in amended BPC section 4400.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board conducted a search of any similar regulations on this topic and concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THIS PROPOSED ACTION

Fiscal Impact Estimates

Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies or Costs/Savings in Federal Funding to the State: The Board estimates the proposed regulations will decrease pharmacy technician renewal license fee revenues by approximately \$881,000 per year. While the proposed fee levels will result in reduced revenues, SB 816 also adjusted the Board's other fees to help eliminate any structural imbalance. As a result, the projected decrease in revenues is not anticipated to negatively impact the Board at this time.

Because the Board currently charges the fees in this proposal and/or performs workload associated with pharmacy technician programs and fees, no additional workload and costs are anticipated.

The regulations result in one-time information technology (IT) costs of \$5,000 to update cashiering and accounting software. Any IT costs will be absorbed within existing resources.

The regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None

Mandate Imposed on Local Agencies or School Districts: None

Significant Effect on Housing Costs: None

Business Impact Estimates

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulatory change establishes the pharmacy technician license renewal fee.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any additional cost impacts that a representative private person or business would necessarily incur in reasonable compliance with proposed action.

Individuals renewing their pharmacy technician licenses will realize a decrease in the renewal fee, providing a positive impact to those individuals.

The Board estimates cost (savings) of \$30 per pharmacy technician license renewal, \$15 per delinquent renewal, and up to approximately \$881,000 total cost (savings) per year for these individuals.

Results of Economic Impact Assessment/Analysis:

Impact on Jobs/New Businesses:

The Board concludes that this proposal will not:

- (1) create jobs within California;
- (2) eliminate jobs within California;
- (3) create new businesses within California;
- (4) eliminate existing businesses within California; and,
- (5) expand businesses currently doing business in the State of California.

Benefits to the Health and Welfare of California residents, worker safety, and the state's environment:

As stated above, the proposed regulations will benefit the health and welfare of California residents by reducing financial costs for pharmacy technicians to maintain licensure, as well as maintain the Board's operations and consumer protection mandates.

The proposed regulations are not expected to affect worker safety or the state's environment.

Business Reporting Requirements

This regulatory action does not require businesses to file a report with the Board.

Effect on Small Business:

While the Board does not have, nor does it maintain, data to determine if any of its licensees (pharmacies and clinics) are a "small business," as defined in Government Code section 11342.610, the Board notes that the proposed regulations may affect small business. However, the Board does not have, nor does it maintain, data to determine if pharmacies which employ pharmacy technicians are "small business" as defined in Government Code section 11342.610 nor does the Board maintain in its records data to determine if pharmacies which employ pharmacy technicians pay the renewal fees for its employees.

Consideration of Alternatives

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no reasonable alternative that it considered to the regulation, or that has otherwise been identified and brought to its attention, would either be more effective in carrying out the purpose for which the action is proposed, as effective and less burdensome to affected private persons than the proposal described in this Notice, or more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board considered not reducing the pharmacy technician license renewal fee from the pre-set amount of \$180 established in BPC section 4400; however, the Board determined that a reduction in the fees was appropriate to ease the financial burden associated with pharmacy technician license renewal.

Any interested person may submit comments relevant to the above determinations in writing at the address listed below for the Contact Person during the written comment period, or at the hearing if one is scheduled or requested.

Availability of Statement of Reasons and Rulemaking File

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons(ISOR), proposed regulatory text, and all the information upon which the proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 2720 Gateway Oaks Drive, Ste. 100,

Sacramento, California 95833, or from the Board of Pharmacy's website at http://www.pharmacy.ca.gov/pending_regs.shtml.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Contact Person named below or by accessing the website listed below.

Contact Person

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Anne Sodergren
Address: 2720 Gateway Oaks Drive, Ste. 100
Sacramento, CA 95833
Phone No.: (916) 518-3100
Fax No.: (916) 574-8618
E-Mail Address: PharmacyRulemaking@dca.ca.gov

The backup contact person is:

Name: Julie Ansel
Address: 2720 Gateway Oaks Drive, Ste. 100
Sacramento, CA 95833
Phone No.: (916) 518-3100
Fax No.: (916) 574-8618
E-Mail Address: PharmacyRulemaking@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text ,if any, can be accessed through the Board of Pharmacy's website at: https://www.pharmacy.ca.gov/laws_regs/pending_regs.shtml.