



## LEGISLATION AND REGULATION COMMITTEE CHAIR REPORT

Greg Lippe, Public Member, Chair  
Lavanza Butler, Licensee Member, Vice Chair  
Ryan Brooks, Public Member  
Amjad Khan, Public Member  
Shirley Kim, Public Member  
Maria Serpa, Licensee Member

a. **Discussion and Consideration of Implementation of Business and Professions Code Section 4113.5 (SB 1442, Statutes 2018) Regarding Pharmacists Assistance and Possible Regulations to Clarify Statutory Language**

**Attachment 1**

**Relevant Law**

BPC Section 4113.5 generally provides that a community pharmacy shall not require a pharmacist employee to practice pharmacy under specified conditions unless another employee of the pharmacy, or an employee of the establishment, is made available to assist the pharmacist at all times.

**Background**

Recently enacted legislation (Senate Bill 1442, Statutes of 2018) added BPC Section 4113.5 and generally cited above.

Since enactment the board has received public comment indicating that pharmacy employers may not be complying with the law as intended. Further, as part of its May 2019 meeting, the board considered a Petition for Rulemaking to Implement Business and Professions Code Section 4113.5, Regarding Pharmacist Assistance. As part of its consideration the board received public comment indicating an appeared lack of consistent application of the statutory provisions and possible violations of the statute. Pursuant to the provisions of the government code, the board elected to take other action it determined to be warranted by the petition. Specifically, the board referred the development of regulation language to the Legislation and Regulation Committee.

As part of its discussion, the board indicated that regulation may be necessary but determined that policy issues and concerns related to implementation of BPC 4113.5 should be discussed and vetted through the committee. As part of its discussion, members requested that counsel provide assistance in drafting language that may be necessary.

### Recent Update

Subsequent to the meeting, the committee chair, board staff, and counsel considered the public comment. Provided in **Attachment 1** is a copy of draft regulation language to help frame the committee's discussion. The proposed language seeks to address some primary areas of the statute that appear to require further clarification via regulation:

1. Definition of "make available to assist"
2. Background requirements for the designated personnel
3. Policies and procedures

### **b. Discussion and Consideration of Board Sponsored Legislation**

#### **Attachment 2**

1. AB 690 (Aguiar-Curry) Pharmacies: Relocation: Remoted Dispensing Site Pharmacy: Pharmacy Technician: Qualifications  
**Version:** As amended July 1, 2019  
**Status:** Ordered to third reading  
**Summary:** As amended this measure includes the board's provision that would establish the limited exemption to the license transferability requirements for a pharmacy required to locate because of damage caused by a declared disaster. This measure also includes the requirements for a pharmacy technician working in a remote dispensing site pharmacy. This portion of the measure is not board sponsored.
2. AB 973 (Irwin) Pharmacies: Compounding  
**Version:** As amended May 13, 2019  
**Status:** Senate third reading file  
**Summary:** Would require the compounding of drug preparations by a pharmacy to be prepared consistent with the relevant compounding chapters of the United States Pharmacopeia-National Formulary.
3. SB 569 (Stone) Controlled Substances: Prescriptions: Declared Local, State or Federal Emergency  
**Version:** As amended July 2, 2019  
**Status:** Referred to Assembly Appropriations Committee  
**Summary:** Would authorize a pharmacist, during a declared local, state, or federal emergency to fill a prescription for a controlled substance on a prescription form that does not conform with security prescription form requirements under specified conditions.
4. SB 655 (Roth) Pharmacy  
**Version:** As amended April 11, 2019  
**Status:** Assembly Appropriations Committee Hearing July 10, 2019

**Summary:** Would update several provisions of pharmacy law including alignment of application and renewal requirements and other technical cleanup provisions relating to the following areas:

- Validity period for pharmacy examination scores
- Pharmacy technician trainee provisions
- Advanced practice pharmacist renewal requirements
- Reverse distributor provisions
- Government-owned facility fees

**Attachment 2** includes a copy of each of the measures. They can also be accessed using the following link - - <http://leginfo.legislature.ca.gov>.

c. **Discussion and Consideration of Legislation Impacting the Practice of Pharmacy, the Board's Jurisdiction or Board Operations**

**Attachment 3**

1. **AB 387 (Gabriel) Task Force: Adverse Drug Events: Prescriptions**  
**Version:** As Amended July 2, 2019  
**Status:** Referred to Senate Appropriations Committee  
**Board Position:** Support (prior version)  
**Summary:** As amended creates the Prescription Labeling and Adverse Drug Event Advisory Task Force to study and make recommendations on how to increase medication adherence and decrease adverse drug events.
2. **AB 528 (Low) Controlled Substances: CURES Database**  
**Version:** As amended July 3, 2019  
**Status:** Senate Rules  
**Board Position:** Support if amended (prior version)  
**Summary:** As amended would require expanding reporting requirements to also include Schedule V drugs and would reduce the reporting period to CURES to within one business day.
3. **AB 690 (Aguiar-Curry) Remote Dispensing Site Pharmacy: Pharmacy Technician: Qualifications**  
**Summary:** AB 690 is presented in the previous section of board sponsored legislation.
4. **AB 1076 (Ting) Criminal Records: Automatic Relief**  
**Version:** As amended July 11, 2019  
**Status:** Senate Appropriations Committee  
**Board Position:** Oppose Unless Amended  
**Summary:** Would require the DOJ to review summary criminal history information and identify individuals who are eligible for automatic relief by having their arrest and

criminal records withheld from disclosure. It would also require the DOJ to provide automatic relief to eligible persons.

**Staff Comments:** Staff suggests an Oppose Unless Amended position to allow the DOJ to release background information on those individuals seeking licensure if prior conduct is proven.

5. AB 1131 (Gloria) Medi-Cal: Comprehensive Medication Management

**Version:** As amended June 24, 2019

**Status:** Senate Appropriations Committee

**Board Position:** Support (prior version)

**Summary:** Would establish comprehensive medication management (CMM) are covered by Medi-Cal and would require CMM services to include a care plan that would encompass and identified medication therapy problems. The measure would establish the minimum criteria to receive CMM services and would require the Department of Health Care Services to establish reimbursement rates for pharmacists providing such services.

**Staff Comments:** This measure appears consistent with the board's vision statement.

6. AB 1264 (Petrie-Norris) Medical Practice Ace: Dangerous Drugs: Appropriate Prior Examination

**Version:** As amended June 25, 2019

**Status:** Senate Third Reading File

**Board Position:** None

**Summary:** Would specify that an appropriate prior examination does not require a synchronous interaction between a patient and licensee, provided the licensee complies with the appropriate standard of care.

7. SB 159 (Wiener) HIV Preexposure and Postexposure Prophylaxis

**Version:** As amended July 1, 2019

**Status:** Referred to Senate Appropriations Committee

**Board Position:** Support (prior version)

**Summary:** Would authorize a pharmacist to furnish preexposure and postexposure prophylaxis in specified amounts and under specified conditions. Would require the board to promulgate regulations establishing the training program requirements specified in the bill.

8. SB 601 (Morrell) State Agencies: Licenses: Fee Waiver

**Version:** As amended June 27, 2019

**Status:** Assembly Appropriations Committee

**Board Position:** Support (prior version)

**Summary:** As amended, would require an individual or business that has been displaced or affected by a declared federal emergency or proclaimed state emergency, to submit an application for reduction or waiver of fees required to renew, activate, or replace a license.

9. SB 650 (Rubio) Unused Medications: Cancer Medication Recycling

**Version:** As amended July 8, 2019

**Status:** Assembly Appropriations Committee

**Board Position:** None

**Summary:** Would require the board to establish a Cancer Medication Advisory Committee to identify the best mechanisms to enable the transfer of unused cancer medications to individuals in need of financial assistance.

**Attachment 3** includes a copy of each measure and a bill analysis. They can also be accessed using the following link - - <http://leginfo.legislature.ca.gov>.

d. Discussion and Consideration of Board Approved Regulations Undergoing Formal Review by the Department of Consumer Affairs or the Business, Consumer Services and Housing Agency

**Attachment 4**

1. Proposed Regulations to Amend Title 16 CCR Section 1749 Related to the Board's Fee Schedule

**Summary of Regulation:** This proposal updates the board's fee schedule by increasing the board's fees to address the structural imbalance within the board's budget.

**Status:** Board adopted June 21, 2019. Final review began June 24, 2019.

e. Discussion and Consideration of Board Approved Regulations Undergoing Preparation of Post Adoption Documents for Final Review by the Department of Consumer Affairs or the Business, Consumer Services and Housing Agency

**Attachment 5**

1. Proposed Regulations to Amend Title 16 CCR Section 1746.3 Related to the Naloxone Fact Sheet

**Summary of Regulation:** This proposal amends the board's regulations regarding the naloxone fact sheet that must be provided to consumers upon furnishing naloxone hydrochloride.

**Status:** Board adopted June 21, 2019.

f. **Discussion and Consideration of Board Approved Regulations Undergoing Pre-Notice Review by the Department of Consumer Affairs or the Business, Consumer Services and Housing Agency**

**Attachment 6**

Provided below is a summary of each of the regulations currently undergoing pre-notice review. As there are many steps included in the pre-review process, the current status is detailed below. Members have previously requested that regulations without action for over 30 days be highlighted. As such, regulations with inactivity for over 30 days are indicated below in **red**. The full timelines for each of the regulation are included in **Attachment 6**.

1. **Regulations under Pre-Notice review by the Business, Consumer Services and Housing Agency**

- A. Proposed Regulations to Amend Title 16 CCR Section 1707.2 Related to Mail-Order Pharmacy Consultation

**Summary of Regulation:** This proposal amends the board's regulations regarding the duty to provide consultation for mail-order pharmacies.

**Status:** Formal DCA Pre-Notice Review began: October 1, 2018  
**Referred to Agency on April 16, 2019**

- B. Proposed Regulations to Amend Title 16 CCR Sections 1702, 1702.1, 1702.2, and 1702.5 Related to Renewal Requirements

**Summary of Regulation:**

This proposal updates the renewal requirement language to include all licensing programs and reduce the administrative workload associated with the need for frequent amendments when new licensing programs are established.

**Status:** Formal DCA Pre-Notice Review began: October 16, 2018  
Referred to Agency on June 20, 2019

2. **Regulations under Pre-Notice review by DCA Legal Affairs**

- A. Proposed Regulations to Amend Title 16 CCR Section 1707 Related to Offsite Storage

**Summary of Regulation:**

This proposal amends the board's regulations regarding the waiver requirements for off-site storage of records to allow those cited for a records violation to receive a waiver to store records off-site.

**Status:**

**Formal DCA Pre-Notice Review began: August 20, 2018**

- B. Proposed Regulations to Add Title 16 CCR Sections 1717.5 Related to Automatic Refill Programs

**Summary of Regulation:**

This proposal establishes regulatory requirements for automated refill programs.

**Status:**

**Formal DCA Pre-Notice Review began: December 5, 2018**

- C. Proposed Regulations to Amend Title 16 CCR Section 1706.2 Related to Abandonment of Applications

**Summary of Regulation:**

This proposal updates the application abandonment language to include all licensing programs to ensure that all applicants have appropriate notice about the requirements for abandoning an application and reduce the administrative workload associated with the need for frequent amendments when new licensing programs are established.

**Status:**

**Formal DCA Pre-Notice Review began: August 3, 2018**

**3. Regulations under Pre-Notice review by DCA Legal Counsel**

- A. Proposed Regulations to Amend Title 16 CCR Section 1793.5 Related to the Pharmacy Technician Application, Section 1793.6 Related to the Pharmacy Technician Training Requirements and Section 1793.65 Related to the Pharmacy Technician Certification Programs

**Summary of Regulation:**

This proposal establishes the training requirements and certification programs and updates the application for licensure for pharmacy technicians.

**Status:**

**Re-submitted to DCA for Pre-Notice Review: October 26, 2018**

- B. Proposed Regulations to Amend Title 16 CCR Section 1709 Related to Pharmacy Ownership, Management, and Control, Including Through Trusts

**Summary of Regulation:**

This proposal amends the board's regulations regarding ownership to include

provisions relating to trust ownership of pharmacies.

**Status:**

**Re-submitted to DCA for Pre-Notice Review: December 20, 2018**

- C. Proposed Regulations to Amend Title 16 CCR Sections 1780-1783 et seq., Related to Dangerous Drug Distributors and Third-Party Logistics Providers

**Summary of Regulation:**

This proposal establishes the regulatory framework for third-party logistics providers.

**Status:**

**Re-submitted to DCA for Pre-Notice Review: December 20, 2018**

- D. Proposed Regulations to Amend Title 16 CCR Section 1715 to Update Self-Assessment Forms 17M-13 and 17M-14

**Summary of Regulation:**

This proposal updates the Self-Assessment forms 17M-13 (rev. 10/16) and 17M-14 (rev. 10/16) as incorporated by reference in Title 16 CCR section 1715. Additionally, this regulation updates section 1715 with clarifying language as to the completion and certification requirements of the self-assessment forms.

**Status:**

**Re-submitted to DCA for Pre-Notice Review: December 24, 2018**

*The Board approved self-assessment forms can be found on the Board's website:*

[https://www.pharmacy.ca.gov/licensees/facility/self\\_assess.shtml](https://www.pharmacy.ca.gov/licensees/facility/self_assess.shtml)

- E. Proposed Regulations to Amend Title 16 CCR Section 1784 to Update the Wholesaler/3PL Self-Assessment Form 17M-26

**Summary of Regulation:**

This proposal updates the Self-Assessment form 17M-26 (rev. 10/16) as incorporated by reference in Title 16 CCR section 1784. Additionally, this regulation updates section 1784 with clarifying language as to the completion and certification requirements of the self-assessment form.

**Status:**

**Submitted to DCA for Pre-Notice Review: December 26, 2018**

*The Board approved self-assessment forms can be found on the Board's website:*

[https://www.pharmacy.ca.gov/licensees/facility/self\\_assess.shtml](https://www.pharmacy.ca.gov/licensees/facility/self_assess.shtml)



- F. Proposed Regulations to Amend Title 16 CCR Section 1711 Related to Quality Assurance Programs for ADDS, Section 1813 Related to Use of an APDS, and Add Section 1715.1 Related to ADDS Self-Assessment Form 17M-112

**Summary of Regulation:**

This proposal will require submission of quality assurance records to the board, update the board regulations with respect to the use of an APDS, and identify the specific requirements for the annual completion of the ADDS self-assessment form.

**Status:**

**Submitted to DCA for Pre-Notice Review: April 30, 2019**

- G. Proposed Regulations to Amend Title 16 CCR Sections 1769 and 1770 Related to Criminal Conviction Substantial Relationship and Rehabilitation Criteria

**Summary of Regulation:**

This proposal will require the board to consider substantially related criteria and rehabilitation criteria for purposes of denial, suspension, or revocation of a license.

**Status:**

**Submitted to DCA for Pre-Notice Review: May 31, 2019**

**g. Discussion and Consideration of Committee's Strategic Goals**

The board's current strategic plan goals for the Legislation and Regulation Committee are listed below.

3.1 Educate the board on national pharmacy initiatives impacting consumers and the future of pharmacy (e.g., pharmacists, pharmacy, technicians, distributors, etc.) to strategize the board's efforts in alignment with where the profession is going to be in 2020.

3.2 Support legislative and regulation proposals from board approval to enactment to effectuate the goals of the board.

**Status:** This fiscal year the board is sponsoring 4 legislative proposals. Further the board currently has 14 regulation packages in various status of promulgation.

3.3 Advocate for or against legislation that impacts the board's mandate for consumer protection.

**Status:** During the legislative year, the board established support positions on 9 measures and oppose positions on 3 measures.

3.4 Establish a systemized, ongoing review process for board regulations to improve and maintain clear and relevant regulations.

**Status:** Board staff and counsel are working to improve the quality of regulation packages including ensuring regulation language is clear, consistent, and necessary.

The committee's strategic goals were last reviewed at the October 2018 board meeting. At that time, the board determined to keep the current goals and continue to monitor progress.

**h. Future Committee Meeting Dates**

- November 5, 2019

Attachment 1: Implementation of Business and Professions Code Section  
4113.5 (SB 1442, Statutes 2018) Regarding Pharmacists Assistance and Possible  
Regulations to Clarify Statutory Language

**Proposed new regulation, to read:**

**Section 1714.3, Community Pharmacy Staffing**

This section applies to a community pharmacy that is required to comply with Business and Professions Code section 4113.5.

(a) When a pharmacy is open to the public and a pharmacist is working without another pharmacy employee, the pharmacy must make another person available to assist a pharmacist. The pharmacy must:

- (1) Designate the names of one or more persons who will be available to assist the pharmacist;
- (2) Determine that each designated person is able, at a minimum, to perform the duties of non-licensed pharmacy personnel as specified in section 1793.3;
- (3) Determine that each designated person qualifies to access to controlled substances by conducting a background check on each person that is consistent with federal requirements for pharmacy employees with such access;
- (4) Ensure that a designated person responds and is able to assist the pharmacist within five minutes after the pharmacist's request.

(b) A pharmacy must have and maintain policies and procedures that addresses the following:

- (1) The required criteria and training for a designated person, which shall be consistent with subsection (a).
- (2) The process for the pharmacist to request assistance and to document the response time between the request and arrival of the designated person at the pharmacy.
- (3) All impacted pharmacy employees and designated persons must read and sign a copy of the policies and procedures required by this section.

(c) The pharmacy must maintain the policies and procedures in the pharmacy premises in a readily retrievable format.

## Attachment 2: Board Sponsored Legislation

Current language for AB 690, AB 973, SB 569 and SB 655 may be accessed at [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov).

A copy of these documents will be made available for public inspection at the meeting and are available upon request. Requests may be emailed to [debbie.damoth@dca.ca.gov](mailto:debbie.damoth@dca.ca.gov).

Attachment 3: Legislation Impacting the Practice of Pharmacy, the  
Board's Jurisdiction or Board Operations

Current language for AB 387, AB 528, AB 690, AB 1076, AB 1131, AB 1264, SB 159, SB 601 and SB 650 may be accessed at [www.leginfo.legislature.ca.gov](http://www.leginfo.legislature.ca.gov).

A copy of these documents will be made available for public inspection at the meeting and are available upon request. Requests may be emailed to [debbie.damoth@dca.ca.gov](mailto:debbie.damoth@dca.ca.gov)



<b>Bill Number:</b>	<b>AB 387</b>
<b>Current Version:</b>	<b>As Amended April 22, 2019</b>
<b>Author:</b>	<b>Assembly Member Gabriel</b>
<b>Topic:</b>	<b>Task force: adverse drug events: prescriptions</b>
<b>Board Position:</b>	<b>Support, prior version</b>

---

**AFFECTED SECTIONS:**

Add and repeal Section 4078.5 to the Business and Professions Code

**STATUS:**

Assembly Appropriations Committee hearing scheduled for May 1, 2019.

**EXISTING LAW:**

In relevant part, establishes the authority for a licensed physician and surgeon to practice medicine, including issuing prescriptions.

Further, Business and Professions Code section 4076 defines the labeling requirements for prescriptions. As included in this section, the condition or purposed for which the drug was prescribed must be included if the information is indicated on the prescription.

**THIS BILL WOULD:**

Create the Prescription Labeling and Adverse Drug Event Prevention Advisory Task Force consisting of the following membership:

1. Representative from the Medical Board
2. Representative from California State Board of Pharmacy
3. Representative with pharmacy or medical expertise appointed by the Governor
4. Representative from the State Department of Public Health
5. Representative with pharmacy or medical expertise appointed by Senate Rules
6. Representative with pharmacy or medical expertise appointed by the Speaker of the Assembly
7. Representative from community pharmacies
8. Representative from retail pharmacies
9. Representative from a patient advocacy group
10. Representative from a physician organization
11. Representative from a family physician organization

Provide that the representatives from our board and the Medical Board serve as the chairs of the task force.

Establish the scope of the task force to develop information on ways to increase adherence to medication and decrease adverse drug events and other specified elements.

Require a report to the legislature, by September 1, 2020, including recommendations in the report that are within the jurisdictions of the respective boards.

**STAFF COMMENTS:**

In its original form, this measure would have required the “purpose” for a medication to be included on a prescription unless a patient opted out.

The intentions of the task force are consistent with the board’s vision. However, staff is concerned about the inability to secure temporary resources to perform the necessary functions needed to support the task force, conduct research and develop the report, especially given the board will be going through the Sunset process. Further, staff is concerned about the deadline to complete the report.

**FISCAL IMPACT:**

Under the measure the board is required to cover all costs within existing resources.





<b>Bill Number:</b>	<b>AB 528</b>
<b>Current Version:</b>	<b>As Amended July 3, 2019</b>
<b>Author:</b>	<b>Assembly Member Low</b>
<b>Topic:</b>	<b>Controlled Substances: CURES database</b>
<b>Board Position:</b>	<b>Support If Amended</b>

---

**AFFECTED SECTIONS:**

Amend Sections 11164.1, 11165, 11165.1, and 11165.4 of the Health and Safety Code.

**STATUS:**

Senate Appropriations Committee

**EXISTING LAW:**

Establishes the Controlled Substances Utilization Review and Evaluation System (CURES) within the Department of Justice for the electronic monitoring of the prescribing and dispensing of Schedule II, Schedule III and Schedule IV controlled substances, including mandated reporting of all such controlled substances dispensed. Reporting to the system must occur no more than seven days after the date the controlled substance is dispensed.

**THIS BILL WOULD:**

- Require the reporting of such information no more than one working day after it is dispensed.
- Require the reporting of Schedule V controlled substances.
- Require a veterinarian to report within seven days after it is dispensed.
- Allow a prescriber without a DEA permit to access the CURES system.
- Allow a delegate of a prescriber or dispenser to access CURES information.

**STAFF COMMENTS:**

The board has a long history of supporting the CURES system. Additionally, the board sought a similar change in legislation last year and voted to again pursue legislation this year.

**PRIOR LEGISLATION:**

Last year AB 1752 (Low) would have reduced the reporting timeframe to the following business day. This measure would have also added Schedule V drugs to CURES.

**FISCAL IMPACT:**

Minor and absorbable.

**SUPPORT/OPPOSITION:**

Support (As of June 29, 2019)

American Property Casualty Insurance Association  
California Academy of Child and Adolescent Psychiatry  
California Academy of Family Physicians California Chapter of the American College of  
Emergency Physicians California Chiropractic Association  
California Medical Association  
California Narcotic Officers' Association California Radiological Society California Pharmacists  
Association  
California State Board of Pharmacy  
California Veterinary Medical Association County Behavioral Health Directors Association  
County of San Diego  
Medical Board of California  
Zenith Insurance Company

Opposition (As of June 29, 2019)

American Civil Liberties Union of California  
California Dental Association



<b>Bill Number:</b>	<b>AB 1076</b>
<b>Current Version:</b>	<b>As Amended July 11, 2019</b>
<b>Author:</b>	<b>Assembly Member Ting</b>
<b>Topic:</b>	<b>Criminal Records: Automatic Relief</b>
<b>Board Position:</b>	<b>Oppose Unless Amended</b>

---

**AFFECTED SECTIONS:**

Amend Sections 480 and 480.2 of the Business and Professions Code and 11105 of the Health and Safety Code and add Sections 851.93 and 1203.425 to the Penal Code.

**STATUS:**

Assembly Appropriations Committee suspense file

**EXISTING LAW:**

Authorizes a person who is arrested, under certain conditions, to petition the court to seal the person's arrest record. Such conditions include:

1. Successful completion of a prefiling diversion program;
2. Successful completion of a specified drug diversion program;
3. Successful completion of a deferred entry of judgement program; and
4. An arrest that did not result in a conviction.

Specifies that, upon successful completion of certain diversion programs, the arrest for the crime for which the diversion was required is deemed to have never occurred.

**THIS BILL WOULD:**

Require the Department of Justice, on a weekly basis, to review the records in the statewide criminal justice database and identify persons who are eligible for relief by having their arrest records or criminal convictions withheld from disclosure.

Require the DOJ to grant relief to eligible persons without requiring a petition for such action.

**STAFF COMMENTS:**

As part of the board's communication with the author's office, the board sought amendment to restore some of the discretion eliminated by the provisions. Recent amendments restore the

ability of certain entities licensed under the Health and Safety Code (child care licensing entities, residential care licensing entities, and community care facility licensing entities) to consider and take action on criminal convictions. Regrettably this restoration of authority does not include the board.

This measure appears to be follow-up legislation to AB 2138 from last year that reduced the arrests and convictions the board can consider as part of a licensing decision.

The board's Enforcement Committee is currently reviewing the provisions of AB 2138 related to required regulations as well as possible statutory amendments to minimize the impact to the board's consumer protection mandate.

#### **PRIOR LEGISLATION:**

AB 2138 (Low), Chapter 995, Statutes of 2018, prohibits agencies from denying a license if the applicant or licensee has been convicted of a crime within the preceding 7 years from the date of application.

AB 2599 (Holden), Chapter 653, Statutes of 2018, requires law enforcement agencies and probation departments to increase awareness and access to the arrest record sealing and expungement process.

AB 2438 (Ting), of the 2017-2018 Legislative Session, would have required automatic expungements of certain convictions, as specified. AB 2438 was held on the Assembly Appropriations Suspense File.

AB 1793 (Bonta), Chapter 993, Statutes of 2018, requires the court to automatically re-sentence, re-designate, or dismiss cannabis-related convictions.

AB 1008 (McCarty), Chapter 789, Statutes of 2017, directed employers to follow certain procedures if they wish to consider job applicants' criminal histories as part of a hiring process.

AB 813 (Gonzalez Fletcher) Chapter 739, Statutes of 2016 created a mechanism of post-conviction relief for a person to vacate a conviction or sentence based on error damaging his or her ability to meaningfully understand, defend against, or knowingly accept the immigration consequences of the conviction.

SB 124 (Lara), Chapter 789, Statutes of 2016, authorized a person who was sentenced to a term of one year prior to January 1, 2015, to submit an application to the trial court to have the term of the sentence reduced to the maximum term of 364 days.

#### **FISCAL IMPACT:**

None

#### **SUPPORT/OPPOSITION:**

Support (As of July 8, 2019)

California for Safety and Justice

American Civil Liberties Union of California  
California Public Defenders Association  
Community Works  
Feminists in Action  
Indivisible Sausalito  
Indivisible Stanislaus  
Indivisible Sane Diego Central  
Initiate Justice  
National Association of Social Workers, California Chapter  
Showing Up for Racial Justice, Marin  
Sister Warrior Freedom Coalition  
Southern California Coalition  
We The People – San Diego

Opposition (As of July 8, 2019)

California District Attorneys Association  
California Judges Association  
California Law Enforcement Association of Records Supervisors  
Contractors State Licensing Board



<b>Bill Number:</b>	<b>AB 1131</b>
<b>Current Version:</b>	<b>As Amended June 24, 2019</b>
<b>Author:</b>	<b>Assembly Member Gloria</b>
<b>Topic:</b>	<b>Medi-Cal: Comprehensive Medication Management</b>
<b>Board Position:</b>	<b>Support</b>

---

**AFFECTED SECTIONS:**

Add Section 14132.025 to the Welfare and Institutions Code

**STATUS:**

Senate Appropriations Suspense File

**EXISTING LAW:**

Establishes the Medi-Cal program, within the State Department of Health Care Services (DHCS) which provides low-income individuals with access to health care services.

Establishes a schedule of benefits under the Medi-Cal program, which includes outpatient prescription drugs, subject to utilization controls and the Medi-Cal list of contract drugs.

**THIS BILL WOULD:**

Provide that comprehensive medication management (CMM) services are covered by the Medi-Cal Program and would require CMM services to be provided to any Medi-Cal beneficiary who meets specified criteria, including being prescribed eight or more prescriptions, being referred by a physician, or discharge from a hospital or other care facility with one or more chronic medical conditions.

Define “chronic medical condition” to include arthritis, asthma, cardiovascular disease, diabetes, cancer, and depression.

Define “CMM services” as pharmacist-led, evidence based, preventative clinical service that aims to ensure optimal use of medications and establish the required elements of such services.

Define “medication therapy problems” as the use of any unnecessary medication, the need for additional medication, ineffective medication, subtherapeutic dosage, inadequate monitoring, adverse event, medication interaction, excessive dosage, inadequate adherence, availability of more cost-effective medication, or inability of the beneficiary to afford medication.

Require DHCS to establish reimbursement rates and billing codes for CMM services provided by a pharmacist.

**STAFF COMMENTS:**

The board routinely receives public comment about the lack of reimbursement as a barrier to implementation of patient safety measures such as the one proposed in this measure.

Further this measure is consistent with the board's vision statement, "Healthy Californians through quality pharmacists' care."

**PRIOR LEGISLATION:**

SB 1322 (Stone) would have added CMM to services covered under the Medi-Cal program. CMM was defined as the process of care that ensures each beneficiary's medications (prescription drugs and biologics, over-the-counter medication, or nutritional supplements), are individually assessed to determine that each medication is appropriate for the beneficiary, effective for the medical condition, and safe given other medications being taken, and all medications are able to be taken by the patient as intended. SB 1322 failed passage in the Senate Health Committee.

AB 2084 (Wood) of 2016, would have provided Medi-Cal coverage for CMM, defined as the process of care that ensures each beneficiary's medications are appropriate, safe, and effective, and are being used as intended. AB 2084 also defined beneficiaries, goals, and related requirements, and would have required DHCS to study the effectiveness and costs. AB 2084 was held on the Assembly Appropriations suspense file.

**FISCAL IMPACT:**

None

**SUPPORT/OPPOSITION:**

Support (As of June 17, 2019)

California Pharmacists Association  
California Society of Health Systems Pharmacists  
America's Physician Group  
California Academy of Family Physicians  
California State Board of Pharmacy  
California Chronic Care Coalition

Opposition (As of June 17, 2019)

None on file



<b>Bill Number:</b>	<b>AB 1264</b>
<b>Current Version:</b>	<b>As Amended July 1, 2019</b>
<b>Author:</b>	<b>Assembly Member Petrie-Norris</b>
<b>Topic:</b>	<b>Medical Practice Act: dangerous drugs: appropriate prior exam</b>
<b>Board Position:</b>	<b>None</b>

---

**AFFECTED SECTIONS:**

Amend BPC section 2242.

**STATUS:**

Senate Third Reading File

**EXISTING LAW:**

Prohibits the prescribing of dangerous drugs and devices with an appropriate prior examination and medical information.

**THIS BILL WOULD:**

Include that an appropriate examination does not require a synchronous interaction between the patient and the licensee and can be achieved through the use of telehealth, including but not limited to self-screening questionnaires, provided that the licensee complies with the appropriate standard of care.

**STAFF COMMENTS:**

The board has not previously considered this measure. The measure appears to be providing clarification on how a prescriber can use alternative technologies (e.g., mobile apps) to ascertain information from a patient to determine if a prescription medication is appropriate.

**FISCAL IMPACT:**

None

**SUPPORT/OPPOSITION:**

Support (As of July 9, 2019)



- Planned Parenthood Affiliates of California
- California Society of Health-System Pharmacists
- NARAL Pro-Choice California

Opposition (As of July 9, 2019)

None



<b>Bill Number:</b>	<b>SB 159</b>
<b>Current Version:</b>	<b>As Amended July 1, 2019</b>
<b>Author:</b>	<b>Senator Weiner</b>
<b>Topic:</b>	<b>HIV: Preexposure and Postexposure Prophylaxis</b>
<b>Board Position:</b>	<b>Support, prior version</b>

---

**AFFECTED SECTIONS:**

Amend BPC section 4052 and add BPC Sections 4052.02 and 4052.03, add HSC section 1342.74, add Insurance Code section 10123.199 and amend Welfare and Institutions Code 14132.968

**STATUS:**

Referred to Assembly Appropriations Committee

**EXISTING LAW:**

Provides for the licensure of pharmacists and establishes the authorized functions of such a licensed person.

**THIS BILL WOULD:**

This bill would authorize a pharmacist to furnish preexposure prophylaxis (PrEP) and postexposure prophylaxis (PEP), in specified amounts. The pharmacist must complete a training program approved by the board and comply with specified requirements, such as assessing a patient and providing a patient with counseling and tests.

Add PrEP and PEP list of covered pharmacy services for reimbursement under Medi-Cal.

Require the board adopt emergency regulations necessary to implement the provisions consistent with CDC Guidelines by July 1, 2020. Further require the board to approve training programs in consultation with the Medical Board.

**STAFF COMMENTS:**

This measure expands access to medication and is consistent with the board's vision statement. Staff notes that the measure has been amended several times since the board last considered the measure. The amendments appear to limit the duration of therapy an individual can receive from a pharmacist. Further the amendments establish a narrow timeframe for development of emergency regulations.

## **PRIOR LEGISLATION:**

Over the past several years there have been legislative measures to expand the scope of services a pharmacist can provide. Such measures included SB 493 (Hernandez, Statutes of 2013) relating to pharmacists furnishing hormonal contraception, smoking cessation and travel medications, and AB 1535 (Bloom, Statutes of 2014) relating to pharmacists furnishing naloxone.

## **FISCAL IMPACT:**

Fiscal impact will include development of regulations for training program requirements. Staff initially believed that the workload associated with this measure could be absorbed within existing resources. Because of other legislation that prevents the board from securing resources (AB 387) additional limited term resources will be necessary to perform the regulation and training program approvals required.

## **SUPPORT/OPPOSITION:**

### Support (As of July 8, 2019)

- California Pharmacists Association (cosponsor)
- California Society of Health-System Pharmacists (cosponsor)
- Equality California (cosponsor)
- San Francisco AIDS Foundation (cosponsor)
- Alameda County
- American Civil Liberties Union of California
- California Health+ Advocates
- California LGBTQ Health and Human Services Network
- California Life Sciences Association
- California Retailers Association
- City of West Hollywood
- City and County of San Francisco
- County Health Executives Association of California
- County of Los Angeles
- County of Santa Clara
- Health Officers Association of California
- Human Rights Campaign
- Los Angeles LGBT Center
- Lutheran Social Services of Northern California
- NARAL Pro-Choice California
- National Association of Chain Drug Stores
- National Association of Social Workers – California Chapter
- San Francisco Department of Public Health
- San Francisco Hepatitis C Task Force
- San Francisco Lesbian Gay Bisexual Transgender Community Center
- Shanti
- St. Anthony's Medical Clinic
- St. James Infirmary
- United Nurses Associations of California/Union of Health Care Professionals

Opposition (As of July 8, 2019)

- American College of Cardiology, California Chapter
- American College of Obstetricians and Gynecologists, District IX California
- California Academy of Preventive Medicine
- California Medical Association
- California Urological Association
- Infectious Diseases Association of California



**Bill Number:** SB 601

**Current Version:** As Amended June 27, 2019

**Author:** Senator Morrell

**Topic:** State Agencies: Licenses: Fee Waivers

**Board Position:** Support, prior version

---

**AFFECTED SECTIONS:**

Add Section 11009.5 to the Government Code

**STATUS:**

Referred to Assembly Appropriations Committee

**EXISTING LAW:**

As the measure relates to the board, provides for the regulation of practice of pharmacy and establishes fees for services provided by the board.

**THIS BILL WOULD:**

Establish a process for a person or business that has been displaced or is experiencing economic hardship as a result of a declared disaster to submit an application for a reduction or waiver of a fee required by an agency.

**STAFF COMMENTS:**

This measure seems consistent with the policy direction of the board related to declared emergency provisions as well as the licensing committee's recommendation regarding licensure transferability. In its current form the measure does not create a mandate, but rather provides state agencies with the flexibility to make such a change should it desire to do so.

**PRIOR LEGISLATION:**

None

**FISCAL IMPACT:**

It is anticipated that this could result in loss of revenue to the board. This impact would be

determined after the board develops its policy related to the measure's provisions.

**SUPPORT/OPPOSITION:**

Support (As of July 9, 2019)

R Street Institute  
Board of Behavioral Sciences  
California Board of Accountancy  
California Chamber of Commerce  
California Dental Association  
California State Board of Pharmacy  
Contractors State Licensing Board  
National Association of Social Workers  
Professional Fiduciary Association of California  
Rebuild Paradise Foundation  
San Gabriel Valley Economic Partnership  
Southwest California Legislative Council

Opposition (As of July 9, 2019)

None on file



**Bill Number:** SB 650

**Current Version:** As Amended July 8, 2019

**Author:** Assembly Member Rubio

**Topic:** Cancer Medication Advisory Committee

**Board Position:** None

---

**AFFECTED SECTIONS:**

Add and repeal Section 4014 of the Business and Professions Code.

**STATUS:**

Assembly Appropriations Committee

**EXISTING LAW:**

Authorized a county to establish a voluntary drug repository and distribution program for the purpose of distributing surplus medications to indigent patients.

**THIS BILL WOULD:**

Requires the board to establish the Cancer Medication Advisory Committee to identify the best mechanism to enable the transfer of unused cancer medications to persons in need of financial assistance, to ensure access to necessary pharmaceutical therapies and the effectiveness of county programs establishing voluntary drug distribution programs.

The committee shall consist of the following membership:

- Two board members
- Two board-certified physician and surgeons specializing in oncology and hematology approved by the governor
- Two representatives from cancer patient advisory groups
- One representative from a county program, as specified
- One member appointed by the Assembly
- One member appointed by the Senate Rules Committee

**STAFF COMMENTS:**

The board may wish to consider if the membership of the committee should also include an expert in hazardous drug as well as a representative from the Medical Board of California. Also, given the breadth of the topics to be assessed by the committee it may be appropriate for the

board to consider if sufficient time is provided to thoroughly complete all the work required under the provisions.

**PRIOR LEGISLATION:**

Prior legislation established the provisions for the county redistribution programs. Over the years reassessment and expansion of the program have occurred.

**FISCAL IMPACT:**

It is anticipated that two limited term staff will be required perform all of the tasks associated with the measure.

**SUPPORT/OPPOSITION:**

Support (As of June 28, 2019)

American Cancer Society Cancer Action Network  
Association of Northern California Oncologists  
California Chronic Care Coalition  
Medical Oncology Association of Southern California

Opposition (As of June 28, 2019)

None



# **Attachment 4**

## **Regulation Timeline**

### **d. Discussion and Consideration of Board Approved Regulations Undergoing Formal Review by the Department of Consumer Affairs or the Business, Consumer Services and Housing Agency**

1. Proposed Regulations to Amend Title 16 CCR Section 1749 Related to the Board's Fee Schedule

**Timeline:**

Approved by Board: December 14, 2018

Submitted to DCA for Pre-Notice Review: December 17, 2018

45-Day Comment Period began: April 26, 2019 and Closed June 10, 2019

Adopted by Board: June 21, 2019

Submitted to DCA for Formal Review: June 24, 2019

# **Fee Schedule**

## **16 CCR § 1749**

## Title 16. Board of Pharmacy Proposed Text

Proposed changes to the current regulation language are shown by strikethrough for deleted language and underline for added language.

### Proposal to Amend section 1749 in Article 6 of Division 17 of Title 16 California Code of Regulations to read as follows:

#### 1749. Fee Schedule.

The ~~application, renewal, penalties, and other fees, unless otherwise specified, for the issuance and renewal of licenses, certificates, and permits, and the penalties to be assessed for failure to renew in accordance with section 163.5 of the Business and Professions Code and Pharmacy Law~~ are hereby fixed as follows:

- (a) The fee for the issuance of any pharmacy license, including a remote dispensing site pharmacy license, is ~~five hundred twenty dollars (\$520)~~ five hundred seventy dollars (\$570). The fee for the annual renewal of any pharmacy license, including a remote dispensing site pharmacy license, is ~~six hundred sixty five dollars (\$665)~~ nine hundred and thirty dollars (\$930). The penalty for failure to renew is one hundred fifty dollars (\$150).
- (b) The fee for the issuance of any temporary pharmacy license is three hundred twenty-five dollars (\$325).
- (c) The fee for the issuance of a pharmacy technician license ~~is shall be one hundred and forty dollars (\$140)~~ one hundred ninety-five dollars (\$195). The fee for the biennial renewal of a pharmacy technician license ~~is shall be one hundred forty dollars (\$140)~~ one hundred ninety-five dollars (\$195). The penalty for failure to renew a ~~pharmacy technician license~~ is ~~seventy dollars (\$70)~~ ninety-seven dollars and fifty cents (\$97.50).
- (d) The application fee for ~~application and~~ examination as a pharmacist is ~~two hundred sixty dollars (\$260)~~ two hundred eighty-five dollars (\$285).
- (e) The fee for regrading an examination is one hundred fifteen dollars (\$115).
- (f)(1) The fee for the issuance of an original pharmacist license is ~~one hundred ninety-five dollars (\$195)~~ two hundred and fifteen dollars (\$215).
- (2) The application fee for ~~application of~~ an advanced practice pharmacist license is three hundred dollars (\$300). If granted, there is no fee for the initial license issued, which will expire at the same time the pharmacist's license expires.
- (g)(1) The fee for the biennial renewal of a pharmacist's license is ~~three hundred sixty dollars (\$360)~~ five hundred five dollars (\$505). The penalty fee for failure to renew is one hundred fifty dollars (\$150).
- (2) The fee for the biennial renewal of an advanced practice pharmacist license is three hundred dollars (\$300). The penalty fee for failure to renew is one hundred fifty dollars (\$150). The fees in this paragraph are in addition to the fees required to renew the pharmacist's license as specified in paragraph 1.

- (h) ~~The fee for the issuance or renewal of a wholesaler or third-party logistics provider license is seven hundred eighty dollars (\$780)~~ eight hundred twenty dollars (\$820). The fee for the annual renewal of a wholesaler or third-party logistics provider license is eight hundred twenty dollars (\$820). The penalty for failure to renew is one hundred fifty dollars (\$150). The fee for a temporary wholesaler or third-party logistics provider license is seven hundred fifteen dollars (\$715).
- (i) The fee for the issuance of a hypodermic license is ~~one hundred seventy dollars (\$170)~~ two hundred forty dollars (\$240). The fee for the annual renewal of a hypodermic needle license is two hundred eighty dollars ~~(\$200)~~ (\$280). The penalty for failure to renew is one hundred forty dollars ~~(\$100)~~ (\$140).
- (j) The fee for the issuance of a ~~license as a designated representative license~~ pursuant to Section 4053 of the Business and Professions Code, ~~or a designated representative-3PL license pursuant to Section 4053.1 of the Business and Professions Code, or a designated representative-reverse distributor license pursuant to Section 4053.2 of the Business and Professions Code,~~ is ~~one hundred fifty dollars (\$150)~~ two hundred ten dollars (\$210). The fee for the annual renewal of a license as a designated representative, ~~or designated representative-3PL, or a designated representative-reverse distributor~~ is shall be two hundred and fifteen dollars (\$215) ~~three hundred dollars (\$300)~~. The penalty for failure to renew is ~~one hundred seven dollars and fifty cents (\$107.50)~~ one hundred fifty dollars (\$150).
- (k) The application fee for the application or renewal of a license as a nonresident wholesaler or nonresident third-party logistics provider is ~~seven hundred eighty dollars (\$780)~~ eight hundred twenty dollars (\$820). The fee for the annual renewal of a nonresident wholesaler or nonresident third-party logistics provider is eight hundred twenty dollars (\$820). The penalty for failure to renew is one hundred fifty dollars (\$150). The fee for a nonresident wholesaler or nonresident third-party logistics provider temporary license is seven hundred fifteen dollars (\$715).
- (l) The fee for an intern pharmacist license is ~~one hundred sixty five dollars (\$165)~~ two hundred thirty dollars (\$230). The fee for transfer of intern hours or verification of licensure to another state is thirty dollars (\$30).
- (m) The fee for the reissuance of any ~~permit, license, or certificate,~~ or renewal thereof, which must be reissued because of change in the information, other than name change, is one hundred thirty dollars ~~(\$100)~~ (\$130).
- (n) The fee for the reissuance of any license that has been lost or destroyed or reissued due to a name change is forty-five dollars (\$45).
- (o) The fee for evaluation of continuing education courses for accreditation is forty dollars (\$40) for each hour of accreditation requested.
- (p) The fee for the issuance of a clinic license is ~~five hundred twenty dollars (\$520)~~ five hundred seventy dollars (\$570). The fee for the annual renewal of a clinic license is ~~three hundred twenty five dollars (\$325)~~ three hundred sixty dollars (\$360). The penalty for failure to renew is one hundred fifty dollars (\$150).
- (q) The fee for the issuance of a nongovernmental license to compound sterile drug ~~products preparations or a hospital satellite compounding pharmacy license~~ is ~~one thousand six hundred forty five dollars (\$1,645)~~ two thousand three hundred five dollars (\$2,305). The fee for the annual renewal of a nongovernmental license to

compound sterile drug products/preparations or a hospital satellite compounding pharmacy license is ~~one thousand three hundred twenty-five dollars (\$1,325)~~ one thousand eight hundred fifty-five dollars (\$1,855). The penalty for failure to renew a nongovernmental license to compound sterile drug preparations or a hospital satellite compounding pharmacy license is one hundred fifty dollars (\$150). The fee for a nongovernmental temporary license to compound sterile drug preparations or a hospital satellite compounding pharmacy temporary license is ~~five hundred fifty dollars (\$550)~~ seven hundred fifteen dollars (\$715).

- (r) The fee for the issuance of a nonresident sterile compounding pharmacy is ~~two thousand three hundred eighty dollars (\$2,380)~~ three thousand three hundred thirty-five dollars (\$3,335). The fee for the annual renewal of nonresident sterile compounding pharmacy license is ~~two thousand two hundred seventy dollars (\$2,270)~~ three thousand one hundred eighty dollars (\$3,180). The penalty for failure to renew is one hundred fifty dollars (\$150). The fee for a temporary nonresident sterile compounding pharmacy license is ~~five hundred fifty dollars (\$550)~~ seven hundred fifteen dollars (\$715).
- (s) The fee for the issuance of a license as a designated representative for a veterinary food-animal drug retailer is ~~one hundred fifty dollars (\$150)~~ two hundred ten dollars (\$210). The fee for the annual renewal of a license as a designated representative for a veterinary food-animal drug retailer is ~~two hundred fifteen dollars (\$215)~~ three hundred dollars (\$300). The penalty for failure to renew is ~~one hundred seven dollars and fifty cents (\$107.50)~~ one hundred fifty dollars (\$150).
- (t) The fee for a veterinary food-animal drug retailer license is ~~four hundred and thirty-five dollars (\$435)~~ six hundred ten dollars (\$610). The application fee for the annual renewal for a veterinary food-animal drug retailer is ~~three hundred thirty dollars (\$330)~~ four hundred sixty dollars (\$460). The fee for the issuance of a veterinary food-animal drug retailer temporary license is two hundred and fifty dollars (\$250). The penalty for failure to renew is one hundred fifty dollars (\$150).
- (u) The fee for the issuance of a retired pharmacist license shall be forty-five dollars (\$45).
- (v) The fee for the issuance of a centralized hospital packaging pharmacy license is ~~eight hundred twenty dollars (\$820)~~ one thousand one hundred fifty dollars (\$1,150). The fee for the annual renewal fee for of a centralized hospital packaging pharmacy license is ~~eight hundred five dollars (\$805)~~ one thousand one hundred twenty five dollars (\$1,125). The penalty for failure to renew is one hundred fifty dollars (\$150).
- (w) The fee for the issuance of an outsourcing facility license is ~~two thousand two hundred seventy dollars (\$2,270)~~ three thousand one hundred eighty dollars (\$3,180). The annual renewal fee for the annual renewal of an outsourcing facility is ~~one thousand three hundred twenty-five dollars (\$1,325)~~ one thousand eight hundred fifty-five dollars (\$1,855). The penalty for failure to renew is one hundred fifty dollars (\$150). The fee for an temporary outsourcing facility temporary license is seven hundred fifteen dollars (\$715).
- (x) The fee for the issuance of a nonresident outsourcing facility license is ~~two thousand three hundred eighty dollars (\$2,380)~~ three thousand three hundred thirty-five dollars (\$3,335). The fee for the annual renewal fee for of a nonresident outsourcing facility

is ~~two thousand two hundred seventy dollars (\$2,270)~~ three thousand one hundred eighty dollars (\$3,180). The penalty for failure to renew is one hundred fifty dollars (\$150). The fee for a nonresident outsourcing facility temporary license is seven hundred fifteen dollars (\$715).

(y) The fee for the issuance of a correctional clinic license that is not owned by the state is five hundred seventy dollars (\$570). The annual renewal application fee for a correctional clinic license is three hundred sixty dollars (\$360). The penalty for failure to renew is one hundred fifty dollars (\$150).

(z) The application and initial license fee for operation of an EMSADDS is one hundred dollars (\$100). The application fee for the annual renewal of an EMSADDS is one hundred dollars (\$100). The penalty for failure to renew is thirty-five dollars (\$35).

(aa) The application fee of a co-location clinic license is seven hundred fifty dollars (\$750).

(ab) The application and initial license fee for a designated paramedic license is one hundred and forty dollars (\$140). The application fee for the biennial renewal of a designated paramedic license is one hundred forty dollars (\$140). The penalty for failure to renew a designated paramedic license is sixty-five dollars (\$65).

Note: Authority cited: Sections 4005 and 4400, Business and Professions Code.

Reference: Sections 163.5, 4005, 4044.3, 4053, 4053.1, 4110, 4112, 4119.01, 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, Business and Professions Code.

# **Attachment 5**



## Regulation Timeline

### **e. Discussion and Consideration of Board Approved Regulations Undergoing Preparation of Final Rulemaking Documents by Board Staff for Final Review by the Department of Consumer Affairs or the Business, Consumer Services and Housing Agency**

1. Proposed Regulations to Amend Title 16 CCR Section 1746.3 Related to the Naloxone Fact Sheet

#### **Timeline:**

Approved by Board: May 4, 2017

Submitted to DCA for Pre-Notice Review: May 31, 2017

Returned to the board: January 18, 2018

Modified language approved by board: March 27, 2018

Re-submitted to DCA for Pre-Notice Review: June 13, 2018

Returned to the board on: July 2, 2018

Re-submitted to DCA for Pre-Notice Review: July 2, 2018

Formal DCA Pre-Notice Review began: July 2, 2018

45-Day Comment Period began: April 26, 2019 and Closed on June 17, 2019

Adopted by Board: June 21, 2019

# **Naloxone Fact Sheet**

**16 CCR § 1746.3**

## BOARD OF PHARMACY

**Proposal to amend** § 1746.3 in Article 5 of Division 17 of Title 16 of the California Code of Regulations to read:

### **§ 1746.3. Protocol for Pharmacists Furnishing Naloxone Hydrochloride.**

A pharmacist furnishing naloxone hydrochloride pursuant to section 4052.01 of the Business and Professions Code shall satisfy the requirements of this section.

(a) As used in this section:

(1) "Opioid" means naturally derived opiates as well as synthetic and semi-synthetic opioids.

(2) "Recipient" means the person to whom naloxone hydrochloride is furnished.

(b) Training. Prior to furnishing naloxone hydrochloride, pharmacists who use this protocol must have successfully completed a minimum of one hour of an approved continuing education program specific to the use of naloxone hydrochloride in all routes of administration recognized in subsection (c)(4) of this protocol, or an equivalent curriculum-based training program completed in a board recognized school of pharmacy.

(c) Protocol for Pharmacists Furnishing Naloxone Hydrochloride.

Before providing naloxone hydrochloride, the pharmacist shall:

(1) Screen the potential recipient by asking the following questions:

(A) Whether the potential recipient currently uses or has a history of using illicit or prescription opioids. (If the recipient answers yes, the pharmacist may skip screening question B.);

(B) Whether the potential recipient is in contact with anyone who uses or has a history of using illicit or prescription opioids. (If the recipient answers yes, the pharmacist may continue.);

(C) Whether the person to whom the naloxone hydrochloride would be administered has a known hypersensitivity to naloxone. (If the recipient answers yes, the pharmacist may not provide naloxone. If the recipient responds no, the pharmacist may continue.)

The screening questions shall be made available on the Board of Pharmacy's website in alternate languages for patients whose primary language is not English.

(2) Provide the recipient training in opioid overdose prevention, recognition, response, and administration of the antidote naloxone.

(3) When naloxone hydrochloride is furnished:

(A) The pharmacist shall provide the recipient with appropriate counseling and information on the product furnished, including dosing, effectiveness, adverse effects, storage conditions, shelf-life, and safety. The recipient is not permitted to waive the required consultation.

(B) The pharmacist shall provide the recipient with any informational resources on hand and/or referrals to appropriate resources if the recipient indicates interest in addiction treatment, recovery services, or medication disposal resources at this time.

(C) The pharmacist shall answer any questions the recipient may have regarding naloxone hydrochloride.

(4) Product Selection: A pharmacist shall advise the recipient on how to choose the route of administration based on the formulation available, how well it can likely be administered, the setting, and local context. A pharmacist may supply naloxone hydrochloride as an intramuscular injection, intranasal spray, auto-injector or in another FDA-approved product form. A pharmacist may also recommend optional items when appropriate, including alcohol pads, rescue breathing masks, and rubber gloves.

(5) Labeling: A pharmacist shall label the naloxone hydrochloride consistent with law and regulations. Labels shall include an expiration date for the naloxone hydrochloride furnished. An example of appropriate labeling is available on the Board of Pharmacy's website.

(6) Fact Sheet: The pharmacist shall provide the recipient a copy of the current naloxone fact sheet approved by the Board of Pharmacy or a fact sheet approved by the executive officer. The executive officer may only approve a fact sheet that has all the elements and information that are contained in the current board-approved fact sheet. ~~This~~ The board-approved fact sheet shall be made available on the Board of Pharmacy's website in alternate languages for patients

whose primary language is not English. Fact sheets in alternate languages must be the current naloxone fact sheet approved by the Board of Pharmacy.

(7) Notifications: If the recipient of the naloxone hydrochloride is also the person to whom the naloxone hydrochloride would be administered, then the naloxone recipient is considered a patient for purposes of this protocol and notification may be required under this section.

If the patient gives verbal or written consent, then the pharmacist shall notify the patient's primary care provider of any drug(s) and/or device(s) furnished, or enter the appropriate information in a patient record system shared with the primary care provider, as permitted by the patient and that primary care provider.

If the patient does not have a primary care provider, or chooses not to give notification consent, then the pharmacist shall provide a written record of the drug(s) and/or device(s) furnished and advise the patient to consult an appropriate health care provider of the patient's choice.

(8) Documentation: Each naloxone hydrochloride product furnished by a pharmacist pursuant to this protocol shall be documented in a medication record for the naloxone recipient, and securely stored within the originating pharmacy or health care facility for a period of at least three years from the date of dispense. The medication record shall be maintained in an automated data or manual record mode such that the required information under title 16, sections 1707.1 and 1717 of the California Code of Regulations is readily retrievable during the pharmacy or facility's normal operating hours.

(9) Privacy: All pharmacists furnishing naloxone hydrochloride in a pharmacy or health care facility shall operate under the pharmacy or facility's policies and procedures to ensure that recipient confidentiality and privacy are maintained.

Note: Authority cited: Section 4052.01, Business and Professions Code.

Reference: Section 4052.01, Business and Professions Code.

# **Attachment 6**

## Regulation Timelines

### f. Discussion and Consideration of Board Approved Regulations Undergoing Pre-Notice Review by the Department of Consumer Affairs or the Business, Consumer Services and Housing Agency

#### 1. Regulations under Pre-Notice review by the Business, Consumer Services and Housing Agency

- A. Proposed Regulations to Amend Title 16 CCR Section 1707.2 Related to Mail-Order Pharmacy Consultation

**Timeline:**

Approved by Board: May 2, 2018

Submitted to DCA for Pre-Notice Review: July 23, 2018

Returned to the board on: August 23, 2018

Re-submitted to DCA for Pre-Notice Review: September 14, 2018

**Formal DCA Pre-Notice Review began: October 1, 2018**

- B. Proposed Regulations to Amend Title 16 CCR Sections 1702, 1702.1, 1702.2, and 1702.5 Related to Renewal Requirements

**Timeline:**

Approved by Board: May 2, 2018

Submitted to DCA for Pre-Notice Review: July 12, 2018

Returned to the board: September 6, 2018

Re-submitted to DCA for Pre-Notice Review: September 18, 2018

Returned to the board: September 28, 2018

Re-submitted to DCA for Pre-Notice Review: October 4, 2018

**Formal DCA Pre-Notice Review began: October 16, 2018**

#### 2. Regulations under Pre-Notice review by DCA Legal Affairs

- C. Proposed Regulations to Amend Title 16 CCR Section 1707 Related to Offsite Storage **Timeline:**

Approved by Board: January 24, 2017

Submitted to DCA for Pre-Notice Review: April 27, 2017

Returned to the board: January 18, 2018

Re-submitted to DCA for Pre-Notice Review: June 25, 2018

Returned to the board: July 3, 2018

Re-submitted to DCA for Pre-Notice Review: July 13, 2018  
**Formal DCA Pre-Notice Review began: August 20, 2018**

- D. Proposed Regulations to Add Title 16 CCR Sections 1717.5 Related to Automatic Refill Programs

**Timeline:**

Approved by Board: May 3, 2017

Submitted to DCA for Pre-Notice Review: November 7, 2017

Returned to the Board on: March 26, 2018

Re-submitted to DCA for Pre-Notice Review: June 29, 2018

Returned to the Board on: August 20, 2018

**Re-submitted to DCA for Pre-Notice Review: September 20, 2018**

- E. Proposed Regulations to Amend Title 16 CCR Section 1706.2 Related to Abandonment of Applications

**Timeline:**

Approved by Board: February 6, 2018

Submitted to DCA for Pre-Notice Review: July 2, 2018

**Formal DCA Pre-Notice Review began: August 3, 2018**

**3. Regulations under Pre-Notice review by DCA Legal Counsel**

- A. Proposed Regulations to Amend Title 16 CCR Section 1793.5 Related to the Pharmacy Technician Application, Section 1793.6 Related to the Pharmacy Technician Training Requirements and Section 1793.65 Related to the Pharmacy Technician Certification Programs

**Timeline:**

Approved by board: October 26, 2016

Submitted to DCA for Pre-Notice Review: January 23, 2017

Returned to the board: March 28, 2017

Re-submitted to DCA for Pre-Notice Review: August 21, 2017

Returned to the board: February 24, 2018

Modified language approved by board: March 27, 2018

Re-submitted to DCA for Pre-Notice Review: July 11, 2018

Returned to the board: August 20, 2018

**Re-submitted to DCA for Pre-Notice Review: October 26, 2018**



- B. Proposed Regulations to Amend Title 16 CCR Section 1709 Related to Pharmacy Ownership, Management, and Control, Including Through Trusts

**Timeline:**

Approved by Board: October 26, 2016

Submitted to DCA for Pre-Notice Review: January 26, 2017

Returned to the Board on: March 28, 2017

Re-submitted to DCA for Pre-Notice Review: May 24, 2018

Returned to the board: August 6, 2018

Re-submitted to DCA for Pre-Notice Review: August 16, 2018

Returned to the board: November 2, 2018

**Re-submitted to DCA for Pre-Notice Review: December 20, 2018**

- C. Proposed Regulations to Amend Title 16 CCR Sections 1780-1783 et seq., Related to Dangerous Drug Distributors and Third-Party Logistics Providers

**Timeline:**

Approved by board: October 26, 2016

Submitted to DCA for Pre-Notice Review: February 9, 2017

Returned to the board on: February 28, 2017

Re-submitted to DCA for Pre-Notice Review: October 25, 2017

Returned to the board on: March 26, 2018

Re-submitted to DCA for Pre-Notice Review: June 28, 2018

Returned to the board on: August 28, 2018

Re-submitted to DCA for Pre-Notice Review: September 6, 2018

Returned to the board on: October 30, 2018

**Re-submitted to DCA for Pre-Notice Review: December 20, 2018**

- D. Proposed Regulations to Amend Title 16 CCR Section 1715 to Update Self-Assessment Forms 17M-13 and 17M-14

**Timeline:**

Approved by Board: November 8, 2017

Submitted to DCA for Pre-Notice Review: February 2, 2018

Returned to the Board on: April 17, 2018

Re-submitted to DCA for Pre-Notice Review: July 23, 2018

Returned to the Board on: November 13, 2018

**Re-submitted to DCA for Pre-Notice Review: December 24, 2018**

- E. Proposed Regulations to Amend Title 16 CCR Section 1784 to Update the Wholesaler/3PL Self-Assessment Form 17M-26

**Timeline:**

Approved by Board: November 8, 2017

**Submitted to DCA for Pre-Notice Review: December 26, 2018**

- F. Proposed Regulation to Amend Title 16 CCR Section 1711 Related to Quality Assurance Programs for ADDS, Section 1713 Related to Use of an APDS, and Add Section 1715.1 Related to the ADDS Self-Assessment Forms 17M-112

**Timeline:**

Approved by Board: January 30, 2019

**Submitted to DCA for Pre-Notice Review: April 30, 2019**

- G. Proposed Regulations to Amend Title 16 CCR Sections 1769 and 1770 Related to Criminal Conviction Substantial Relationship and Rehabilitation Criteria

**Timeline:**

Approved by Board: May 6, 2019

**Submitted to DCA for Pre-Notice Review: May 31, 2019**

**Mail-Order Pharmacy  
Consultation  
16 CCR § 1707.2**

## Title 16. Board of Pharmacy

Amend section 1707.2 in Article 2 of Division 17 of Title 16 California Code of Regulations to read as follows:

### § 1707.2. Duty to Consult

(a) A pharmacist shall provide oral consultation to his or her patient or the patient's agent in all ~~care~~ settings:

(1) upon request; ~~or~~

(2) whenever the pharmacist deems it warranted in the exercise of his or her professional judgment;.

~~(b) (1) In addition to the obligation to consult set forth in subsection (a), a pharmacist shall provide oral consultation to his or her patient or the patient's agent in any care setting in which the patient or agent is present:~~

~~(3A) whenever the prescription drug has not previously been dispensed to a patient; or~~

~~(4B) whenever a prescription drug not previously dispensed to a patient in the same dosage form, strength, or with the same written directions, is dispensed by the pharmacy.~~

~~(b)(12) When the patient or patient's agent is not present (including, but not limited to, a prescription drug that was shipped by mail, or delivery), a pharmacy shall ensure that ~~the patient receives written notice:~~~~

~~(A) the patient receives written notice of his or her right to request consultation; ~~and~~~~

~~(B) the patient receives written notice of a the hours of availability and the telephone number from which the patient may obtain oral consultation from a pharmacist who has ready access to the patient's record; and~~

~~(C) A pharmacist shall be available (i) to speak to the patient or patient's agent during any regular hours of operation, within an average of ten (10) minutes or less, unless a return call is scheduled to occur within one business hour, (ii) for no less than six days per week, and (iii) for a minimum of 40 hours per week.~~

~~(23) A pharmacist is not required by this subsection to provide oral consultation to an inpatient of a health care facility licensed pursuant to section 1250 of the Health and Safety Code, or to an inmate of an adult correctional facility or a juvenile detention facility, except upon the patient's discharge. A pharmacist is not obligated to consult about discharge medications if a health facility licensed pursuant to subdivision (a) or (b) of Health and Safety Code Section 1250 has implemented a written policy about discharge medications which meets the requirements of Business and Professions Code Section 4074.~~

(c) When oral consultation is provided, it shall include at least the following:

- (1) directions for use and storage and the importance of compliance with directions; and
- (2) precautions and relevant warnings, including common severe side or adverse effects or interactions that may be encountered.

(d) Whenever a pharmacist deems it warranted in the exercise of his or her professional judgment, oral consultation shall also include:

- (1) the name and description of the medication;
- (2) the route of administration, dosage form, dosage, and duration of drug therapy;
- (3) any special directions for use and storage;
- (4) precautions for preparation and administration by the patient, including techniques for self-monitoring drug therapy;
- (5) prescription refill information;
- (6) therapeutic contraindications, avoidance of common severe side or adverse effects or known interactions, including serious potential interactions with known nonprescription medications and therapeutic contraindications and the action required if such side or adverse effects or interactions or therapeutic contraindications are present or occur;
- (7) action to be taken in the event of a missed dose.

(e) Notwithstanding the requirements set forth in subsection (a) and (b), a pharmacist is not required to provide oral consultation when a patient or the patient's agent refuses such consultation.

Note: Authority cited: Sections 4005, 4076 and 4122, Business and Professions Code. Reference: Sections 4005, 4076, 4112 and 4122, Business and Professions Code.

**Renewal  
Requirements  
16 CCR §§ 1702,  
1702.1, 1702.2, 1702.5**

## Title 16. Board of Pharmacy Proposed Text

Proposed changes to the current regulation language are shown by strikethrough for deleted language and underline for added language.

### **Amend section 1702 in Article 1 of Division 17 of Title 16 of the California Code of Regulations to read as follows:**

#### **1702. Pharmacist Renewal Requirements.**

- (a) A pharmacist applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date.
- (1) A pharmacist ~~s~~ shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the board.
- (2) A pharmacist applicant for renewal shall pay the actual cost of compliance with subdivision (a).
- (3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license, or for restoration of a retired license, an applicant shall comply with subdivision (a).
- (4) The board may waive the requirements of this section for licensees who are actively serving in the United States military. The board may not return a license to active status until the licensee has complied with subdivision (a).
- (b) As a condition of renewal, a pharmacist applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, since his or her last renewal. Traffic infractions not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.
- (c) As a condition of renewal, a pharmacist applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency. For the purposes of this section, "disciplinary action" means an adverse licensure or certification action that resulted in a restriction or penalty being placed on the license, such as revocation, suspension, probation or public reprimand or reproof.
- (d) As a condition of renewal, a pharmacist applicant shall disclose whether he or she has complied with any continuing education requirements to renew his or her pharmacist or advanced pharmacist license as required by section 1732.2.
- (e) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license and shall issue the applicant an inactive pharmacist license. An inactive pharmacist license issued pursuant to this section may only be reactivated after compliance is confirmed for all licensure renewal requirements.

Note: Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 141, 490, 4036, 4200.5, 4207, 4231, 4300, 4301, 4301.5, 4311 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

**Amend section 1702.1 in Article 1 of Division 17 of Title 16 of the California Code of Regulations to read as follows:**

**1702.1. Pharmacy Technician Renewal Requirements for Individual Licensees Other Than Pharmacists.**

This section applies to the renewal of any license held by an individual other than a license as a pharmacist or an advanced practice pharmacist.

- (a) An individual licensee ~~pharmacy technician applicant~~ for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date that occurs on or after January 1, 2018.
- (1) The individual ~~A pharmacy technician~~ shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the board.
- (2) The individual ~~A pharmacy technician~~ applicant for renewal shall pay the actual cost of compliance with subdivision (a).
- (3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license an applicant shall comply with subdivision (a).
- (4) The board may waive the requirements of this section for licensees who are actively serving in the United States military. The board may not return a license to active status until the licensee has complied with subdivision (a).
- (b) As a condition of renewal, ~~a pharmacy technician applicant~~ the individual shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, since his or her last renewal. Traffic infractions not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.
- (c) As a condition of renewal, ~~a pharmacy technician applicant~~ the individual shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency. For the purposes of this section, "disciplinary action" means an adverse licensure or certification action that resulted in a restriction or penalty against the license or certification such as revocation, suspension, probation or public reprimand or reproval.
- (d) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license until the licensee demonstrates compliance with all requirements.

Note: Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 141, 490, 4022.5, 4022.6, 4022.7, 4038, 4115, 4202, 4207, 4300, 4301 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.



**Repeal section 1702.2 in Article 1 of Division 17 of Title 16 of the California Code of Regulations.**

**~~1702.2. Designated Representative Renewal Requirements.~~**

- ~~(a) A designated representative applicant for renewal who has not previously submitted fingerprints as a condition of licensure or for whom an electronic record of the licensee's fingerprints does not exist in the Department of Justice's criminal offender record identification database shall successfully complete a state and federal level criminal offender record information search conducted through the Department of Justice by the licensee's or registrant's renewal date that occurs on or after January 1, 2018.~~
- ~~(1) A designated representative shall retain for at least three years as evidence of having complied with subdivision (a) either a receipt showing that he or she has electronically transmitted his or her fingerprint images to the Department of Justice or, for those who did not use an electronic fingerprinting system, a receipt evidencing that his or her fingerprints were recorded and submitted to the board.~~
- ~~(2) A designated representative applicant for renewal shall pay the actual cost of compliance with subdivision (a).~~
- ~~(3) As a condition of petitioning the board for reinstatement of a revoked or surrendered license an applicant shall comply with subdivision (a).~~
- ~~(4) The board may waive the requirements of this section for licensees who are actively serving in the United States military. The board may not return a license to active status until the licensee has complied with subdivision (a).~~
- ~~(b) As a condition of renewal, a designated representative applicant shall disclose on the renewal form whether he or she has been convicted, as defined in Section 490 of the Business and Professions Code, of any violation of the law in this or any other state, the United States, or other country, since his or her last renewal. Traffic infractions not involving alcohol, dangerous drugs, or controlled substances do not need to be disclosed.~~
- ~~(c) As a condition of renewal, a designated representative applicant shall disclose on the renewal form any disciplinary action against any license issued to the applicant by a government agency. For the purposes of this section, "disciplinary action" means an adverse licensure or certification action that resulted in a restriction or penalty against the license or certification such as revocation, suspension, probation or public reprimand or reproof.~~
- ~~(d) Failure to provide all of the information required by this section renders an application for renewal incomplete and the board shall not renew the license until the licensee demonstrates compliance with all requirements.~~

Note: Authority cited: Sections 4001.1 and 4005, Business and Professions Code. Reference: Sections 141, 490, 4022.5, 4022.7, 4053, 4207, 4300, 4301 and 4400, Business and Professions Code; and Sections 11105(b)(10) and 11105(e), Penal Code.

**Amend section 1702.5 in Article 1 of Division 17 of Title 16 of the California Code of Regulations to read as follows:**

**1702.5. Renewal Requirements for Premises or Facilities ~~Disclosure of Discipline, Renewal, Nonresident Wholesaler or Nonresident Pharmacy.~~**

This section applies to a renewal application submitted by a licensed premises or facility.

- (a) As a condition of renewal, an applicant seeking renewal of a premises or facility license ~~as a nonresident wholesaler or as a nonresident pharmacy~~ shall report to the board any disciplinary action taken by any government agency since the issuance or last renewal of the license. ~~An applicant seeking the first renewal of a license as a nonresident wholesaler or a nonresident pharmacy shall report to the board any disciplinary action taken by any government agency since issuance of the license.~~ Failure to provide information required by this section shall render an application for renewal incomplete, and the board shall not renew the license until such time as the information is provided.
- (b) For purposes of this section, “disciplinary action” means any adverse licensure or certification action that resulted in a restriction or penalty against the license or certification. Such actions include revocation, suspension, probation, or public reprimand or reproval.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 141, 4112, 4161, 4300, 4301, 4302, 4303, 4303.1 and 4316, Business and Professions Code.

# **Offsite Storage**

**16 CCR § 1707**

**Title 16. Board of Pharmacy  
Proposed Text**

Proposal to Amend § 1707 in Article 2 of Division 17 of Title 16 of the California Code of Regulations to read:

**§ 1707. Waiver Requirements for Off-Site Storage of Records**

(a) Pursuant to subdivision (e) of Section 4105 of the Business and Professions Code and subdivision (c) of Section 4333 of the Business and Professions Code, a waiver ~~shall~~ may, on a case-by-case basis, be granted to any entity licensed by the board for ~~off-site~~ storage of the records outside the licensed area of the pharmacy described in subdivisions (a), (b) and (c) of Section 4105 of the Business and Professions Code ~~unless the applicant has, within the preceding five years, failed to produce records pursuant to Section 4081 of the Business and Professions Code or has falsified records covered by Section 4081 of the Business and Professions Code.~~

(b) An entity that is granted a waiver pursuant to subdivision (a) shall:

- (1) maintain the storage area so that the records are secure, including from unauthorized access; and
- (2) be able to produce the records within two business days upon the request of the board or an authorized officer of the law.

(c) In the event that a licensee fails to comply with the conditions set forth in subdivision (b), the board may cancel the waiver without a hearing. Upon notification by the board of cancellation of the waiver, the licensee shall maintain all records at the licensed premises.

(d) A licensee whose waiver has been cancelled pursuant to the provisions set forth in subsection (c) may reapply to the board when compliance with the conditions set forth in subsection (b) can be confirmed by the board.

(e) Notwithstanding any waiver granted pursuant to subdivision (a), all prescription records for non controlled substances shall be maintained on the licensed premises for a period of one year from the date of dispensing.

(f) Notwithstanding any waiver granted pursuant to subdivision (a), all prescription records for controlled substances shall be maintained on the licensed premises for a period of two years from the date of dispensing.

(g) Notwithstanding the requirements of this section, any entity licensed by the board may store the records described in subdivisions (a), (b) and (c) of Section 4105 of the Business and Professions Code in a storage area at the same address or adjoining the licensed premises without obtaining a waiver from the board if the following conditions are met:

- (1) The records are readily accessible to the pharmacist-in-charge (or other pharmacist on duty, or designated representative) and upon request to the board or any authorized officer of the law.
- (2) The storage area is maintained so that the records are secure and so that the confidentiality of any patient-related information is maintained.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4081, 4105 and 4333, Business and Professions Code.

# **Automatic Refill Programs**

**16 CCR § 1717.5**

**Title 16. BOARD OF PHARMACY**  
**Proposed Text**

**Proposal to add § 1717.5 in Article 2 of Division 17 of Title 16 of the California Code of Regulations to read as follows:**

**§ 1717.5. Automatic Refill Programs.**

- (a) A pharmacy may offer a program to automatically refill prescription medications provided the pharmacy complies with this section.
- (1) Written notice regarding the program shall be given to the patient or patient's agent. Such notice shall include instructions about how to withdraw a prescription medication from the program.
  - (2) The patient or patient's agent shall enroll by written, online or electronic consent to participate in the program.
  - (3) The pharmacy shall keep a copy of the written consent to enroll on file for one year from date of dispensing.
  - (4) The pharmacy shall have written policies and procedures in place that outline specifics of the program. The policies and procedures shall specify the medications that may be refilled through the program.
  - (5) The patient or patient's agent shall have the option to withdraw from the program at any time.
  - (6) The pharmacy shall complete a drug regimen review for each prescription refilled through the program.
  - (7) Each time a prescription is refilled through the program, the pharmacy shall provide a written notification to the patient or patient's agent confirming that the prescription medication is enrolled in the program.
  - (8) The pharmacy shall provide a full refund to the patient, patient's agent, or payer for any prescription medication in the program reported as unneeded or unnecessary, if the pharmacy had been notified of withdrawal or disenrollment from the program.
  - (9) A pharmacy shall make available any written notification required by this section in alternate languages as required by state or federal law.
- (b) A health care facility licensed pursuant to Health and Safety Code section 1250 that automatically refills prescription medications for its patients need not comply with the provisions of this section.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4001.1, 4005, 4063 and 4076.6, Business and Professions Code and Section 1250, Health and Safety Code.

**Abandonment of  
Applications  
16 CCR § 1706.2**

## Title 16. Board of Pharmacy Proposed Text

Proposed changes to the current regulation language are shown by strikethrough for deleted language and underline for added language.

### **Amend section 1706.2 in Article 1 of Division 17 of Title 16 of the California Code of Regulations to read as follows:**

#### **1706.2. Abandonment of Application Files.**

- (a) An applicant for a premises license ~~to conduct a pharmacy, non-resident pharmacy, sterile injectable compounding pharmacy, wholesaler, out-of-state distributor, clinic, veterinary food-animal drug retailer, or to furnish hypodermic needles and syringes~~ who fails to complete all application requirements within 60 days after being notified by the board of deficiencies in his, her or its file, may be deemed to have abandoned the application and may be required to file a new application and meet all of the requirements in effect at the time of reapplication.
- ~~(b) An applicant for a pharmacy technician license or a designated representative license who fails to complete all application requirements within 60 days after being notified by the board of deficiencies in his or her file, may be deemed to have abandoned the application and may be required to file a new application and meet all of the requirements which are in effect at the time of reapplication.~~
- ~~(b-e)~~ An applicant who fails to pay the fee for licensure as a pharmacist required by subdivision ~~(f)(1)~~ of section 1749 of this Division within 12 months after being notified by the board of his or her eligibility shall be deemed to have abandoned the application and must file a new application and be in compliance with the requirements in effect at the time of reapplication.
- ~~(c-d)~~ An applicant to take the pharmacist licensure examinations who fails to take the examinations within 12 months of being deemed eligible, shall be deemed to have abandoned the application and must file a new application in compliance with all of the requirements in effect at the time of reapplication.
- ~~(d-e)~~ An applicant for an intern pharmacist license who fails to complete all application requirements within one year after being notified by the board of deficiencies in his or her file, may be deemed to have abandoned the application and may be required to file a new application and meet all of the requirements which are in effect at the time of reapplication.
- (e) An applicant for an individual license not included in subdivision (b), (c), or (d), who fails to complete all application requirements within 60 days after being notified by the board of deficiencies in his or her file, may be deemed to have abandoned the application and may be required to file a new application and meet all of the requirements which are in effect at the time of reapplication.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4022.5, 4029, 4030, ~~4034, 4034.5, 4037, 4041, 4042, 4043, 4044.3, 4045, 4053, 4110, 4112, 4115, 4120, 4127.1, 4127.15, 4141, 4160, 4161, 4180, 4190, 4200, 4201, 4202, 4202.5, 4203, 4203.5, 4204, 4205, and 4208, and 4210,~~ Business and Professions Code.



# **Pharmacy Technician**

**16 CCR § 1793.5,  
1793.6, and 1793.65**

**Title 16. Board of Pharmacy  
Proposed Regulation Text**

**Proposal to amend** §1793.5 of Article 11 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

**§ 1793.5. Pharmacy Technician Application.**

The "Pharmacy Technician Application" (Form 17A-5 (Rev. ~~10/15~~ 7/2018)), incorporated by reference herein, required by this section is available from the Board of Pharmacy upon request.

(a) Each application for a pharmacy technician license shall include:

(1) Information sufficient to identify the applicant.

(2) A description of the applicant's qualifications and supporting documentation for those qualifications.

(3) A criminal background check that will require submission of fingerprints in a manner specified by the board and the fee authorized in Penal Code section 11105(e).

(4) A sealed, original Self-Query from the National Practitioner Data Bank (NPDB) dated no earlier than 60 days of the date an application is submitted to the board.

(b) The applicant shall sign the application under penalty of perjury and shall submit it to the Board of Pharmacy.

(c) The board shall notify the applicant within 30 days if an application is deficient; and what is needed to correct the deficiency. Once the application is complete, and upon completion of any investigation conducted pursuant to section 4207 of the Business and Professions Code, the board will notify the applicant within 60 days of a license decision.

(d) Before expiration of a pharmacy technician license, a pharmacy technician must renew that license by payment of the fee specified in subdivision (r) of section 4400 of the Business and Professions Code.

Note: Authority cited: Sections ~~163.5, 4005, 4007, 4038, 4115, and 4202, 4207 and 4400~~, Business and Professions Code. Reference: Sections 144, 144.5, 163.5, 4005, 4007, 4038, 4115, 4202, 4207, 4400 and 4402 and 4400, Business and Professions Code; and Section 11105, Penal Code.

**Proposal to amend** §1793.6 of Article 11 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

**§ 1793.6. Training Courses Specified by the Board.**

A course of training that meets the requirements of Business and Professions Code section 4202

(a)(2) is:

(a) Any pharmacy technician training program accredited by the American Society of Health--System Pharmacists,

(b) Any pharmacy technician training program provided by a branch of the federal armed services for which the applicant possesses a certificate of completion, or

(c) (1) Any other course that provides a training period of at least 240 hours of instruction covering at least the following:

(± A) Knowledge and understanding of different pharmacy practice settings.

(2 B) Knowledge and understanding of the duties and responsibilities of a pharmacy technician in relationship to other pharmacy personnel and knowledge of standards and ethics, laws and regulations governing the practice of pharmacy.

(3 C) Knowledge and ability to identify and employ pharmaceutical and medical terms, abbreviations and symbols commonly used in prescribing, dispensing and record keeping of medications.

(4 D) Knowledge of and the ability to carry out calculations required for common dosage determination, employing both the metric and apothecary systems.

(5 E) Knowledge and understanding of the identification of drugs, drug dosages, routes of administration, dosage forms and storage requirements.

(6 F) Knowledge of and ability to perform the manipulative and record-keeping functions involved in and related to dispensing prescriptions.

(7 G) Knowledge of and ability to perform procedures and techniques relating to manufacturing, packaging, and labeling of drug products.

(2) In addition to the content of coursework specified in subdivision (c)(1), the course of training must also satisfy all of the following:

(A) Prior to admission to the course of training, an administrator or instructor must conduct a criminal background check and counsel applicants to the program about the negative impact to securing licensure if the background check reveals criminal history.

(B) Administer at least one drug screening to each student to evaluate use of illicit drugs or use of drugs without a prescription. The results of any screen shall be considered as part of the evaluation criteria to determine (1) acceptance into the course of training, or (2) appropriateness for continuation in the course of training. An administrator or instructor shall counsel students about the negative impact of a positive drug screen on eligibility for licensure.

(C) Require students to be at least 18 years of age prior to the beginning of instruction.

(D) Require a final examination that demonstrates students' understanding and ability to perform or apply each subject area identified in subsection (1) above.

Authority cited: Sections 4005, ~~4007, 4038, 4115~~, and 4202, Business and Professions Code. Reference: Sections 4005, 4007, 4038, 4115, 4115.5, and 4202, Business and Professions Code.

**Proposal to add §1793.65 of Article 11 of Division 17 of Title 16 of the California Code of Regulations to read as follows:**

**1793.65 Pharmacy Technician Certification Programs Approved by the Board.**

(a) Pursuant to Business and Professions Code section 4202(a)(4), the board approves the pharmacy technician certification program offered by:

(1) The Pharmacy Technician Certification Board, and

(2) The National Healthcareer Association.

(b) Approval of these programs is valid through December 31, 2021.

Note: Authority cited: Business and Professions Code Sections 4005 and 4202. Reference: Business and Professions Code Sections 4038 and 4202.

**Attachment 6: Board Approved Regulations Undergoing Pre-Notice  
Review by the Department of Consumer Affairs or the Business, Consumer  
Services and Housing Agency**

A copy of these documents will be made available for public inspection at the meeting and are available upon request. Requests may be emailed to [debbie.damoth@dca.ca.gov](mailto:debbie.damoth@dca.ca.gov).

**Pharmacy Ownership,  
Management, and  
Control, Including  
Through Trusts  
16 CCR § 1709**

**Title 16. Board of Pharmacy  
Proposed Text**

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

§1709. Names of Owners and Pharmacist In Charge Disclosure and Notification Requirements

- (a) Each ~~permit~~ license issued by the board to operate a pharmacy shall reflect ~~show~~ the name and address of the pharmacy, the form of ownership (~~individual, partnership or corporation~~) and the pharmacist-in-charge. Each pharmacy shall, in its initial application and on the annual renewal form, report the name of the pharmacist-in-charge, the names of all owners and the names of the corporate officers (if a corporation). Any changes in the pharmacist-in-charge, or the owners, or corporate officers shall be reported to the ~~B~~board within 30 days.
- (b) Any transfer, in a single transaction or in a series of transactions, of 10 percent or more of the beneficial interest in a business entity licensed by the board to a person or entity who did not hold a beneficial interest at the time the original ~~permit~~ license was issued, shall require written notification to the board within 30 days.
- (c) A license issued by the board shall not be transferred from one owner to another. The following shall constitute a change of ownership transfer of permit and shall require a new application for a change of ownership licensure:
- (1) any transfer of a beneficial interest in a business entity licensed by the board, in a single transaction or in a series of transactions, to any person or entity, which transfer results in the transferee's holding 50% or more of the beneficial interest in that license. A change of ownership application shall be filed with the board in advance of the proposed transaction taking place.
- (d) If any beneficial interest of the pharmacy is held in trust, the applicant, licensee, or any person with management or control of the pharmacy, shall do the following:
- (1) In addition to the requirements in subdivision (a), as part of their application and annual renewal, report the name of any other person in any position with management or control of the pharmacy.
- (2) As part of the application, disclose the full name of the trust, and provide to the board a complete copy of, and any amendments to the trust document. A trust document and any related amendments shall be considered confidential financial documents by the board.

(3) As part of the renewal, provide to the board a complete copy of any amendments to the trust document made after submission of the original application.

(4) Include in the application and the annual renewal, the name, address and contact information for each grantor, settlor, trustee, and trust protector, as applicable.

(5) The application and annual renewal shall also include the name, address, and contact information for each named beneficiary of the trust, who is age 18 or older.

(6) Notify the board in writing within 30 days of all the following:

(A) A change in trustee, protector or any other person with management or control of the pharmacy.

(B) Any change in the beneficiaries of the trust, where the beneficiary is age 18 or older.

(C) The revocation of the trust.

(D) The dissolution of the trust.

(E) Any amendment to the trust since the original application.

(F) Any change in the character of the trust, including, but not limited to, the trust changing from revocable to irrevocable.

(e) An application may be denied, or a license may be suspended or revoked based on the failure of any individual required to be disclosed to the board to qualify pursuant to the provisions of sections 4302, 4307 and 4308 of the Business and Professions Code.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4035, 4058, 4110, 4111, 4112, 4113, 4120, 4124, 4130, 4133, 4141, 4149, 4160, 4161, 4196, 4201, 4302, 4304, 4305, 4307, 4308, and 4330, Business and Professions Code.

**Third-Party Logistics  
Providers and  
Dangerous Drug  
Distributors  
16 CCR §§ 1780-1783**



## Title 16. Board of Pharmacy

### Proposed Language

**To Amend** Article 10 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

#### **Article 10. ~~Wholesalers~~ Dangerous Drug Distributors**

**To Amend** Section 1780 of Article 10 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

##### **1780. Minimum Standards for Wholesalers and Third-Party Logistics Providers.**

The following minimum standards shall apply to all wholesale and third-party logistics provider establishments for which permits have been issued by the Board:

- (a) A wholesaler and a third-party logistics provider shall store dangerous drugs in a secured and lockable area.
- (b) All wholesaler and third-party logistics provider premises, fixtures and equipment therein shall be maintained in a clean and orderly condition. Wholesale and third-party logistics provider premises shall be well ventilated, free from rodents and insects, and adequately lighted. Plumbing shall be in good repair. Temperature and humidity monitoring shall be conducted to assure compliance with the standards set forth in the latest edition of the United States Pharmacopeia-~~Standards (1990, 22nd Revision)~~.
- (c) Entry into areas where prescription drugs are held shall be limited to authorized personnel.
  - (1) All facilities shall be equipped with an alarm system to detect entry after hours.
  - (2) All facilities shall be equipped with a security system that will provide suitable protection against theft and diversion. When appropriate, the security system shall provide protection against theft or diversion that is facilitated or hidden by tampering with computers or electronic records.
  - (3) The outside perimeter of the ~~wholesaler~~ premises shall be well-lighted.
- (d) All materials must be examined upon receipt and ~~or~~ before shipment.
  - (1) Upon receipt, each outside shipping container shall be visually examined for identity and to prevent the acceptance of contaminated prescription drugs or prescription drugs that are otherwise unfit for distribution. This examination shall be adequate to reveal container damage that would suggest possible contamination or other damage to the contents.
  - (2) Each outgoing shipment shall be carefully inspected for identity of the prescription drug products and to ensure that there is no delivery of prescription drugs that have been damaged in storage or held under improper conditions.
- (e) The following procedures must be followed for handling returned, damaged and outdated prescription drugs.
  - (1) Prescription drugs that are outdated, damaged, deteriorated, misbranded or adulterated shall be placed in a quarantine area and physically separated from other drugs until they are destroyed or returned to their supplier.
  - (2) Any prescription drugs whose immediate or sealed outer or sealed secondary containers have been opened or used shall be identified as such, and shall be placed in a quarantine area and physically separated from other prescription drugs until they are either destroyed or returned to the supplier.

- (3) If the conditions under which a prescription drug has been returned cast doubt on the drug's safety, identity, strength, quality or purity, the drug shall be destroyed or returned to the supplier unless testing or other investigation proves that the drug meets the standards set forth in the latest edition of the appropriate United States Pharmacopeia-Standards (1990, 22nd Revision).
- (f) Policies and procedures must be written and made available upon request by the board.
- (1) Each ~~W~~ wholesaler and third-party logistics provider ~~drug distributors~~ shall establish, maintain, and adhere to written policies and procedures, which shall be followed for the receipt, security, storage, inventory and distribution of prescription drugs, including policies and procedures for identifying, recording, and reporting losses or thefts, for correcting all errors and inaccuracies in inventories, and for maintaining records to document proper storage.
  - (2) The records required by paragraph (1) shall be in accordance with Title 21, Code of Federal Regulations, Section 205.50(g). These records shall be maintained for three years after disposition of the drugs.
  - (3) Each ~~W~~ wholesaler and third-party logistics provider ~~drug distributors~~ shall establish and maintain lists of officers, directors, managers and other persons in charge of ~~wholesale~~ drug distribution, storage and handling, including a description of their duties and a summary of their qualifications.
  - (4) Each wholesaler and third-party logistics provider shall provide adequate training and experience to assure compliance with licensing requirements by all personnel.
- (g) The board shall require an applicant for a licensed premise or for renewal of that license to certify that it meets the requirements of this section at the time of licensure or renewal.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4025, 4043, 4045, 4051, 4053, 4053.1, 4054, 4059, 4120, 4160, 4161, 4161.5 and 4304, and 4342 of the Business and Professions Code; Sections 109985 and 111280 of the Health and Safety Code; Section 321 of Title 21, U.S. Code; and Section 205.50 of Title 21, Code of Federal Regulations.

**To Amend** Section 1781 of Article 10 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

**1781. ~~Exemption Certificate~~ Pharmacist or Designated Representative on Premises and In Control.**

- (a) A registered pharmacist, or a designated representative certified in accordance with Section 4053 or 4054 of the Business and Professions Code, shall be present and in control of a manufacturer's, or wholesaler's licensed premises during the conduct of business.
- (b) A designated representative – 3PL certified in accordance with Section 4053.1 of the Business and Professions Code, shall be present and in control of a third-party logistics provider's licensed premises during the conduct of business.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4022.5, 4022.7, 4053, 4053.1, 4160, and 4161-4054, Business and Professions Code.

To Amend Section 1782 of Article 10 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

**1782. Reporting Sales of Drugs Subject to Abuse.**

~~All~~ Each manufacturer, and wholesaler, and third-party logistics provider shall report to the Board or its designee, up to twelve (12) times a year, all sales of dangerous drugs subject to abuse as designated by the Board for reporting, in excess of amounts to be determined by the Board from time to time. Reports shall be made within thirty (30) days of the request in the form specified by the Board.

Note: Authority cited: Section 4005, Business and Professions Code; ~~and Section 26692, Health and Safety Code.~~ Reference: Sections 4053.1, 4081, 4164, 4165, and 4332, Business and Professions Code; ~~and Section 26692, Health and Safety Code.~~

To Amend Section 1786 of Article 10 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

**1783. Manufacturer, ~~or Wholesaler,~~ or Third-Party Logistics Provider Furnishing Drugs and Devices.**

- (a) A manufacturer, ~~or wholesaler,~~ or third-party logistics provider shall furnish dangerous drugs or devices only to an authorized person; prior to furnishing dangerous drugs and devices to a person not known to the furnisher, the manufacturer, ~~or wholesaler,~~ or third-party logistics provider shall contact the board or, if the person is licensed or registered by another government entity, that entity, to confirm the recipient is an authorized person.
- (b) “Authorized person” means a person to whom the board has issued a permit which enables the permit holder to purchase dangerous drugs or devices for use within the scope of its permit. “Authorized person” also means any person in this state or in another jurisdiction within the United States to the extent such furnishing is authorized by the law of this state, any applicable federal law, and the law of the jurisdiction in which that person is located. The manufacturer, ~~or wholesaler,~~ or third-party logistics provider furnishing to such person shall, prior to furnishing the dangerous drugs and devices, establish the intended recipient is legally authorized to receive the dangerous drugs or devices.
- (c) Dangerous drugs or devices furnished by a manufacturer, ~~or wholesaler,~~ or third-party logistics provider shall be delivered only to the premises listed on the permit; provided that a manufacturer, ~~or wholesaler,~~ or third-party logistics provider may furnish drugs to an authorized person or an agent of that person at the premises of the manufacturer, ~~or wholesaler,~~ or third-party logistics provider if (1) the identity and authorization of the recipient is properly established and (2) this method of receipt is employed only to meet the immediate needs of a particular patient of the authorized person. Dangerous drugs or devices may be furnished to a hospital pharmacy receiving area provided that a pharmacist or authorized receiving personnel signs, at the time of delivery, a receipt showing the type and quantity of the dangerous drugs or devices so received. Any discrepancy between the receipt and the type and quantity of dangerous drugs and devices actually received shall be reported to the delivering manufacturer, ~~or wholesaler,~~ or third-party logistics provider by the next business day after the delivery to the pharmacy receiving area.
- (d) A manufacturer, ~~or wholesaler,~~ or third-party logistics provider shall not accept payment for or allow the use of an entity’s credit to establish an account for the purchase of dangerous

drugs or devices from any person other than: (1) the owner(s) of record, chief executive officer, or chief financial officer listed on the ~~p~~ermit for the authorized person; and (2) on an account bearing the name of the permittee.

- (e) All records of dangerous drugs or devices furnished by a manufacturer, ~~or~~ wholesaler, or third-party logistics provider to an authorized person shall be preserved by the authorized person for at least three years from the date of making and shall, at all times during business hours, be open to inspection by authorized officers of the law at the licensed premises. The manufacturer, ~~or~~ wholesaler, or third-party logistics provider shall also maintain all records of dangerous drugs or devices furnished pursuant to this section for at least three years from the date of making and shall, at all times during business hours, keep them open to inspection by authorized officers of the law at the premises from which the dangerous drugs or devices were furnished.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4025, 4043, 4053.1, 4059, 4059.5, 4080, 4081, 4105, 4120, 4160, 4161, 4163, 4165 and 4304, Business and Professions Code; and Section 11209, Health and Safety Code.

# **Self-Assessment Forms**

**16 CCR § 1715**

**17M – 13**

**17M – 14**

**Title 16. Board of Pharmacy  
Proposed Regulation**

**Proposal to amend §1715 of Article 2 of Division 17 of Title 16 of the California Code of Regulations to read as follows:**

**§ 1715. Self-Assessment of a Pharmacy by the Pharmacist-in-Charge.**

(a) The pharmacist-in-charge of each pharmacy as defined under section 4029 or section 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law. The assessment shall be performed before July 1 of every odd-numbered year. The primary purpose of the self-assessment is to promote compliance through self-examination and education.

(b) In addition to the self-assessment required in subdivision (a) of this section, the pharmacist-in-charge shall complete a self-assessment within 30 days whenever:

- (1) A new pharmacy permit has been issued, or
- (2) There is a change in the pharmacist-in-charge, and he or she becomes the new pharmacist-in-charge of a pharmacy.
- (3) There is a change in the licensed location of a pharmacy to a new address.

(c) A pharmacist-in-charge of a community pharmacy shall use the the components of this assessment shall be on Form 17M-13 (Rev. 10/14 16) entitled "Community Pharmacy Self-Assessment/Hospital Outpatient Pharmacy Self-Assessment." Form 17M-13 shall be used for all pharmacies serving retail or outpatient consumers. A pharmacist-in-charge of a hospital pharmacy serving inpatient consumers, shall use the components of this assessment and on Form 17M-14 (Rev. 10/14 16) entitled "Hospital Pharmacy Self-Assessment." ~~which are Both forms are~~ hereby incorporated by reference ~~to evaluate compliance with federal and state laws and regulations.~~

(1) The pharmacist-in-charge shall provide identifying information about the pharmacy including

(A) Name and license number of the pharmacy

- (B) Address, phone number, and website address, if applicable, of the pharmacy
- (C) DEA registration number, expiration date and date of most recent DEA inventory
- (D) Hours of operation of the pharmacy

(2) The pharmacist-in-charge shall list the name of each licensed staff person working in the pharmacy, the person's license type and number, and the expiration date for each license.

(3) The pharmacist-in-charge shall respond "yes", "no" or "not applicable" (N/A) about whether the pharmacy is, at the time of the self-assessment, in compliance with each of the requirements that apply to that pharmacy setting.

(4) For each "no" response, the pharmacist-in-charge shall provide a written corrective action or action plan to come into compliance with the law.

(5) The pharmacist-in-charge shall initial each page of the self-assessment form.

(6) The pharmacist-in-charge shall provide a certification on the final page of the self-assessment that affirms he or she has completed the self-assessment of the pharmacy of which he or she is the pharmacist-in-charge. The certification shall also provide a timeframe within which any deficiency identified within the self-assessment will be corrected and that all responses are subject to verification by the Board of Pharmacy. The certification shall be made under penalty of perjury of the laws of the State of California that the information provided in the self-assessment form is true and correct.

(7) The pharmacy owner or hospital administrator shall provide a certification on the final page of the self-assessment that affirms that he or she has read and reviewed the completed self-assessment and that failure to correct any deficiency identified in the self-assessment could result in the revocation of the pharmacy's license issued by the board. This certification shall be made under penalty of perjury of the laws of the State of California.

(d) Each self-assessment shall be completed in its entirety and kept on file in the pharmacy for three years after it is performed.

(e) Any identified areas of noncompliance shall be corrected as specified in the certification.

Note: Authority cited: Sections 4005 and 4127, Business and Professions Code. Reference:  
Sections 4019, 4021, 4022, 4029, 4030, 4036, 4037, 4038, 4040, 4050, 4051, 4052, 4059, 4070,  
4081, 4101, 4105, 4110, 4113, 4115, 4119, 4120, 4127, 4201, 4301, 4305, 4330, 4332 and 4333,  
Business and Professions Code.



# **Self-Assessment Form**

**16 CCR § 1784  
17M – 26**

## Proposal to Amend 16 CCR Amend § 1784

§ 1784. Self-Assessment of a Wholesaler/Third Party Logistics Provider by the Designated Representative-In- Charge or Responsible Manager.

(a) ~~The designated representative-in-charge of~~ Each wholesaler and third-party logistics provider, as defined under section 4160 of the Business and Professions Code, shall complete a self-assessment of ~~the wholesaler's~~ its compliance with federal and state pharmacy law. The assessment shall be performed by the designated representative-in-charge of the wholesaler, or by the responsible manager of the third-party logistics provider, before July 1 of every odd-numbered year. The primary purpose of the self-assessment is to promote compliance through self-examination and education.

(b) In addition to the self-assessment required in subdivision (a) of this section, the designated representative-in-charge or responsible manager shall complete a self-assessment within 30 days whenever:

(1) A new ~~wholesaler permit~~ license is issued, ~~or~~

(2) There is a change in the designated representative-in-charge or responsible manager.

The new designated representative-in-charge of a wholesaler or responsible manager of a third-party logistics provider is responsible for compliance with this subdivision.

(3) There is a change in the licensed location of a wholesaler or third-party logistics provider to a new address.

(c) ~~The components of this assessment shall be on Form 17M-26 (Rev. 10/14) entitled "Wholesaler Dangerous Drugs & Dangerous Devices Self Assessment" which is hereby incorporated by reference to evaluate compliance with federal and state laws and regulations.~~ Each wholesaler and third-party logistics provider conducting business in California, through its designated representative-in-charge or responsible manager, shall complete "Wholesaler/Third Party Logistics Provider Self-Assessment," Form 17M-26 (Rev. 10/17) which is hereby incorporated by reference. The form shall include the information required by this section.

(1) The designated representative-in-charge or responsible manager shall provide identifying information about the wholesaler or third-party logistics provider including:

(A) Name and license number of the premises;

(B) Address, phone number, website address, if applicable, and type of ownership;

(C) DEA registration number and expiration date and date of most recent DEA;  
inventory;

(D) Verified-Accredited Wholesale Distributor accreditation number and expiration date,  
if applicable; and

(E) Hours of operation of the licensee.

(2) The designated representative-in-charge or responsible manager shall list the name of  
each Board-licensed staff person currently employed by the licensee in the facility at the  
time the self-assessment is completed, the person's license type and number, and the  
expiration date for each license.

(3) The designated representative-in-charge or responsible manager shall respond "yes",  
"no" or "not applicable" (N/A) about whether the licensed premises is, at the time of the  
self-assessment, in compliance with each of the requirements.

(4) For each "no" response, the designated representative-in-charge or responsible  
manager shall provide a corrective action or action plan to come into compliance with the  
law.

(5) The designated representative-in-charge or responsible manager shall initial each page  
of the self-assessment form.

(6) The designated representative-in-charge or responsible manager shall certify, under  
penalty of perjury, on the final page of the self-assessment that:

(A) He or she has completed the self-assessment of the licensed premises for which he  
or she is responsible;

(B) Any deficiency identified within the self-assessment will be corrected and the  
timeframe for correction;

(C) He or she understands that all responses are subject to verification by the Board of  
Pharmacy; and

(D) The information provided in the self-assessment form is true and correct.

(7) The licensed premises owner, partner or corporate officer shall certify on the final page  
of the self-assessment that he or she has read and reviewed the completed self-assessment  
and understands that failure to correct any deficiency identified in the self-assessment

could result in the revocation of the license issued by the board. This certification shall be made under penalty of perjury of the laws of the State of California.

(d) Each self-assessment shall be kept on file in the licensed ~~wholesale~~ premises for three years after it is completed.

(e) The wholesaler or third-party logistics provider is jointly responsible with the designated representative-in-charge or responsible manager, respectively, for compliance with this section.

(f) Any identified areas of noncompliance shall be corrected as specified in the certification.

Authority: Business and Professions Code §4005. Reference: Business and Professions Code §4022.5, §4043, §4053, §4044.5, §4045, §4059, §4120, §4160, §4161, §4201, §4301 and §4305.5.

**Automated Drug  
Delivery Systems  
(ADDS)**

**16 CCR §§ 1711, 1713,  
and 1715.1**

**Title 16. Board of Pharmacy  
Proposed DRAFT Regulation**

**Proposal to amend §17## of Article 2 of Division 17 of Title 16 of the California Code of Regulations to read as follows:**

**§ 17##. Self-Assessment of an Automated Drug Delivery System by Pharmacist-in-Charge.**

(a) The pharmacist-in-charge of each automated drug delivery system as defined under section 4119.11, 4187.5 or section 4427.3 of the Business and Professions Code shall complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law. The assessment shall be performed annually before July 1 of every year. The primary purpose of the self-assessment is to promote compliance through self-examination and education.

(b) In addition to the self-assessment required in subdivision (a) of this section, the pharmacist-in-charge shall complete a self-assessment within 30 days whenever:

- (1) A new automated drug delivery system permit has been issued, or
- (2) There is a change in the pharmacist-in-charge, and he or she becomes the new pharmacist-in-charge of an automated drug delivery system, or
- (3) There is a change in the licensed location of an automated drug delivery system to a new address.

(c) A pharmacist-in-charge of an automated drug delivery system shall assess the system's compliance with current laws and regulations by using the components of Form ##X-## (Rev 12/18) entitled "Automated Drug Delivery System Self-Assessment". Form ##X-## shall be used for all automated drug delivery systems and is hereby incorporated by reference.

(1) The pharmacist-in-charge shall provide identifying information about the underlying operating pharmacy including:

- (A) Name and any license number(s) of the underlying pharmacy and their expiration date(s);
- (B) Address, phone number, and website address, if applicable, of the underlying pharmacy;

(C) DEA registration number, expiration date and date of most recent DEA inventory;

(D) Hours of operation of the pharmacy; and

(3) The pharmacist-in-charge shall respond “yes”, “no” or “not applicable” (N/A) about whether the automated drug delivery system is, at the time of the self-assessment, in compliance with laws and regulations that apply to that pharmacy setting.

(4) For each “no” response, the pharmacist-in-charge shall provide a written corrective action or action plan to come into compliance with the law.

(5) The pharmacist-in-charge shall initial each page of the self-assessment with original handwritten initials in ink on the self-assessment form.

(6) The pharmacist-in-charge shall certify on the last page of the self-assessment that he or she has completed the self-assessment of the automated drug delivery system of which he or she is the pharmacist-in-charge. The pharmacist-in-charge shall also certify a timeframe within which any deficiency identified within the self-assessment will be corrected and acknowledge that all responses are subject to verification by the Board of Pharmacy. The certification shall be made under penalty of perjury of the laws of the State of California that the information provided in the self-assessment form is true and correct with an original handwritten signature in ink on the self-assessment form.

(7) The automated drug delivery system owner shall certify on the final page of the self-assessment that he or she has read and reviewed the completed self-assessment and acknowledges that failure to correct any deficiency identified in the self-assessment could result in the revocation of the automated dispensing system’s license issued by the board. This certification shall be made under penalty of perjury of the laws of the State of California with an original handwritten signature in ink on the self-assessment form.

(d) Each self-assessment shall be completed in its entirety and kept on file in the underlying pharmacy for three years after it is performed.

(e) Any identified areas of noncompliance shall be corrected as specified in the assessment. An automated drug delivery system shall correct any non-compliance as specified in the assessment.

Note: Authority cited: Sections 4119.11 and 4427.7, Business and Professions Code. Reference: Sections 4001.1, 4008, 4017.3, 4021, 4022, 4036, 4037, 4038, 4040, 4050, 4051, 4052, 4059, 4070, 4076, 4081, 4101, 4105, 4107, 4113, 4119.1, 4125, 4126, 4180, 4186, 4305, 4330, 4332, 4333, and 4333, 4400, 4427, 4427.1, 4427.2 4427.3, 4427.4, and 4427.5 Business and Professions Code.





**California State Board of Pharmacy**  
 1625 N. Market Blvd, N219  
 Sacramento, CA 95834  
 Phone: (916) 574-7900 Fax: (916) 574-8618  
 www.pharmacy.ca.gov

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



**DRAFT AUTOMATED DRUG DELIVERY SYSTEM SELF-ASSESSMENT**

Business and Professions Code (BPC) section 4427.7(a) requires the pharmacy holding an automated drug delivery system (ADDS) license complete an annual self-assessment, performed pursuant to section 17## of Title 16 of the California Code of Regulations, evaluating the pharmacy’s compliance with pharmacy law relating to the use of the ADDS. The assessment shall be performed annually **before July 1 of every year** by the pharmacist-in-charge of each pharmacy under section 4029 (Hospital Pharmacy) or section 4037 (Pharmacy). The pharmacist-in-charge must also complete a self-assessment within 30 days whenever; (1) a new automated drug delivery system permit has been issued, or (2) there is a change in the pharmacist-in-charge and becomes the new pharmacist-in-charge of an automated drug delivery system, or (3) there is a change in the licensed location of an automated drug delivery system to a new address. The primary purpose of the self-assessment is to promote compliance through self-examination and education. All information regarding operation, maintenance, compliance, error, omissions, or complaints pertaining to the ADDS shall be included in the Self-Assessment.

All references to Business and Professions Code (BPC) are to Chapter 9, Division 2, California Code of Regulations (CCR) are to Title 16, and 21 Code of Federal Regulations (21CFR) to Title 22 unless otherwise noted.

The self-assessment must be completed and retained in the pharmacy for three (3) years after performed.

Please mark the appropriate box for each item. If “NO”, enter an explanation and timeframe when the deficiency will be completed on the “CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE” lines at the end of the section. If more space is needed, you may add additional sheets.

**Pharmacy Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**City:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_  
**Fax number:** \_\_\_\_\_  
**Website:** \_\_\_\_\_  
**Pharmacy Permit:** \_\_\_\_\_  
**Expiration Date:** \_\_\_\_\_  
**DEA Registration:** \_\_\_\_\_  
**DEA Expiration Date:** \_\_\_\_\_  
**DEA Inventory Date:** \_\_\_\_\_  
**Last C2 Inventory Reconciliation Date (CCR 1715.65(c)):** \_\_\_\_\_  
**Pharmacy Hours: M-F:** \_\_\_\_\_ **Saturday** \_\_\_\_\_ **Sunday** \_\_\_\_\_  
**PIC:** \_\_\_\_\_ **RPH#** \_\_\_\_\_

ADDS Permit: \_\_\_\_\_

ADDS Address: \_\_\_\_\_

City: \_\_\_\_\_

ADDS Hours: M-F: \_\_\_\_\_ Saturday \_\_\_\_\_ Sunday \_\_\_\_\_

Please explain if the ADDS hours are different than the pharmacy:  
\_\_\_\_\_

**FOR ALL TYPES OF ADDS: COMPLETE SECTIONS 1, 2 AND 3**

**SECTION 1: DEFINITIONS/TYPE OF ADDS DEVICE USED**

An **ADDS** – “**Automated drug delivery system**,” a mechanical system that performs operations or activities other than compounding or administration, relative to storage, dispensing, or distribution of drugs. An ADDS, shall collect, control and maintain all transaction information to accurately track the movement of drugs into and out of the system for security, accuracy, and accountability. (BPC 4119.11(b) 1), 4017.3 (a)]

**IDENTIFY THE TYPE OF ADDS DEVICE USED**

1.1. The pharmacy uses an **APDS** – “**Automated PATIENT dispensing system**,” an ADDS for storage and dispensing of prescribed drugs directly to the patients pursuant to prior authorization by a pharmacist. [BPC 4119.11(b)2), BPC 4017.3(c)]

1.2 The pharmacy uses an **AUDS** – “**Automated UNIT DOSE system**,” an ADDS for the storage and retrieval of unit dose drugs for administration to patient by persons authorized to perform these functions. [BPC 4119.11(b)3, BPC 4017.3(b)]

**SECTION 2: LOCATION OF DEVICES**

Yes No N/A

2.1 Provides pharmacy services to the patient of **covered entities**, as defined, that are eligible for discount drug programs under federal law as specified through the use of an APDS as defined. The APDS need not be at the same location as the underlying operating pharmacy if all the conditions are met. “Covered entity” as defined by Section 256(b) of Title 42 of United States Code. [BPC 4119.11(a)]

2.2 Provides pharmacy services through an ADDS **adjacent to the secured pharmacy area** of the pharmacy holding the ADDS license. [BPC 4427.3(b)(1)]

2.3 Provides pharmacy services through an ADDS in **a health facility** licensed pursuant to Section 1250 of the Health and Safety Code that complies with Section 1261.6 of the Health and Safety Code. [BPC 4427.3(b)(2)]

2.4 Provides pharmacy services through **a clinic** licensed pursuant to Section 1204 or 1204.1 of the Health and Safety Code, or Section 4180 or 4190 of Business and Professions Code. [BPC 4427.3(b)3]]

Yes No N/A

2.5 Provides pharmacy services through a **correctional clinic**. [(BPC 4187.1, BPC 4427.3(b)(4))]

2.6 Provides pharmacy services through a **medical office**. [(BPC 4427.3(b)(5), BPC 4427.6(j))]

2.7 **AUDS operated by a licensed hospital pharmacy**, as defined in Section 4029, and is used solely to provide doses administered to patients while in a licensed general acute care hospital facility or a licensed acute psychiatric hospital facility, as defined in subdivision (a) and (b) of Section 1250 of the Health and Safety Code, shall be exempt from the requirement of obtaining an ADDS license, if the licensed hospital pharmacy owns or leases the AUDS and owns the dangerous drugs and dangerous devices in the AUDS. The AUDS shall comply with all other requirements for an ADDS in Article 25. The licensed hospital pharmacy shall maintain a list of the locations of each AUDS it operates and shall make the list available to the board upon request. [BPC4427.2(i)]

Note: An ADDS license is not required for technology, installed **within the secured licensed premises area of a pharmacy**, used in the selecting, counting, packaging, and labeling of dangerous drugs and dangerous devices. [BPC 4427.2(j)]

**SECTION 3: GENERAL REQUIREMENTS FOR ALL TYPES OF ADDS**

Yes No N/A

3.1 The ADDS is installed, leased, owned, or operated in California and is licensed by the board. [BPC 4427.2(a), BPC 4427.4(a)]

3.2 The ADDS license was issued to a holder of a current, valid, and active pharmacy license of a pharmacy located and licensed in California. [BPC 4427.2(b)]

3.3 Each ADDS has a separate license. [BPC 4427.2(c)]

3.4 The licensed ADDS meets the following conditions: [BPC 4427.2(d)]

- Use of the ADDS is consistent with legal requirements.
- The proposed location for installation of the ADDS met the requirements of Section 4427.3 and the ADDS is secure from access and removal by unauthorized individuals.
- The pharmacy’s policies and procedures related to the ADDS include appropriate security measures and monitoring of the inventory to prevent theft and diversion.
- The pharmacy’s policy and procedures included provisions for reporting to the board drug losses from the ADDS inventory, as required by law.

3.5 A prelicensure inspection was conducted within 30 days of a completed application for the ADDS license at the proposed location(s). [BPC 4427.2(e)]

List dates of pre-license inspections:

---



---



---

Yes No N/A

- 3.6 The pharmacy is aware a relocation of an ADDS shall require a new application for licensure. [BPC 4427.2(e)]
- 3.7. The pharmacy is aware a replacement of an ADDS shall require notification to the board within 30 days. [BPC 4427.2(e)]
- 3.8 The pharmacy is aware the ADDS license will be canceled by operation of law if the underlying pharmacy license is not current, valid, and active. Upon reissuance or reinstatement of the underlying pharmacy license, a new application for an ADDS license is submitted to the board. [BPC 4427.2(f)]
- 3.9 The pharmacy is aware the holder of an ADDS license will advise the board in writing within 30 days if use of an ADDS is discontinued. [BPC 4427.2(g)]
- 3.10 The ADDS license(s) was/were renewed annually, and the renewal date is the same as the underlying pharmacy license. [BPC 4427.2(h)]
- 3.11 The ADDS is placed and operated inside an enclosed building, with a premise address, at a location approved by the board. [BPC 4427.3(a)]
- 3.12 Prior to installation, the pharmacy holding the ADDS license and the location where the ADDS is placed pursuant to subdivision (b) of Business and Professions Code section 4427.3, jointly developed and implemented written policies and procedures to ensure safety, accuracy, accountability, security, patient confidentiality, and maintenance of the ADDS, as well as quality, potency, and purity of the drugs and devices. The policies and procedures are maintained at the location of the ADDS and at the pharmacy holding the ADDS license. [BPC 4427.3(c)]
- 3.13 Each ADDS is operated under the supervision of the pharmacy holding the ADDS license. [BPC 4427.4(b)]
- 3.14 The ADDS is considered an extension and part of the pharmacy holding the ADDS license, regardless of the ADDS location, and is subject to inspection pursuant to BPC 4008. [BPC 4427.4(c)]
- 3.15 Drugs and devices stored in an ADDS will be deemed part of the inventory and the responsibility of the pharmacy holding the ADDS license, and the drugs and devices dispensed from the ADDS shall be considered to have been dispensed by the pharmacy. [BPC 4427.4(d)]
- 3.16 The stocking and restocking of an ADDS is performed by a pharmacist, or by a pharmacy technician or intern pharmacist under the supervision of a pharmacist, except for an ADDS

located in a health facility pursuant to HSC 1250, where the stocking and restocking of the ADDS may be performed in compliance with HSC 1261.6. [BPC 4427.4(e)(1)]

Yes No N/A

- 3.17 Access to the ADDS is controlled and tracked using an identification or password system or biosensor. [BPC 4427.4(e)(2)]
  
- 3.18 The ADDS makes a complete and accurate record of all transactions including all users accessing the system and all drugs added to, or removed from, the system. [BPC 4427.4(e)(3)]
  
- 3.19 Are drugs or devices not immediately transferred into an ADDS upon arrival at the ADDS location, stored for no longer than 48 hours in a secured room within the ADDS location approved by the board under Section 4427.3 and upon retrieval of the dangerous drugs and devices from the secured storage is an inventory taken to detect any losses or overages? [BPC 4427.4(f)]
  
- 3.20 Prior to installation, and annually thereafter, the pharmacy holding the ADDS license provides training on the operation and use of the ADDS to the pharmacy personnel and to personnel using the ADDS at the location where the ADDS is placed pursuant to BPC 4427.3(b). [BPC 4427.5)
  
- 3.20 The pharmacy complies with all recordkeeping and quality assurance requirements established in pharmacy law and regulations, and maintains records within the licensed pharmacy holding the ADDS license and separate from other pharmacy records. [BPC 4427.7(b)]

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---

---

---

---

---

---

---

---

**CHECK OFF THE TYPE OF ADDS USE BY THE PHARMACY AND COMPLETE THE FOLLOWING SECTION(S) AS IT APPLIES TO THE TYPE OF ADDS THE PHARMACY IS USING.**

**Please Note: The Pharmacist-in-Charge of the pharmacy and the owner of the ADDS shall sign the Certification Acknowledgment on page 33 after completing the assessment.**

- SECTION 4 – APDS used to provide pharmacy service to covered entities and medical professionals contracted with a covered entity.
- SECTION 5 – ADDS adjacent to the secured pharmacy area and Medical Offices.
- SECTION 6 – ADDS in a health facility pursuant to HSC 1250
- SECTION 7 – APDS through a clinic pursuant to HSC 1204 or 1204.1 or BPC 4180 or 4190
- SECTION 8 – ADDS operated by a correctional clinic

**SECTION 4: APDS USED TO PROVIDE PHARMACY SERVICES TO COVERED ENTITIES AND MEDICAL PROFESSIONALS CONTRACTED WITH A COVERED ENTITY**

**A. GENERAL REQUIREMENTS**

Yes No N/A

- 4.1 Covered Entity May Contract with Pharmacy to Provide Services- The operating pharmacy providing pharmacy services to the patients of the covered entity, including, unless prohibited by any other law, patients enrolled in the Medi-Cal program, shall be under contract with the covered entity as described in BPC Section 4126 to provide those pharmacy services through the use of the APDS. (BPC 4119.11(a)2)
- 4.2 Contracts between the covered entities and the pharmacy shall comply with the guidelines published by Health Resources and Services Administration and are available for inspection by Board during normal business hours. (BPC 4126(a))
- 4.3 Drugs purchased and received pursuant to Section 256b of Title 42 USC shall be segregated from the pharmacy's other drug stock by physical or electronic means. (BPC 4126(b))
- 4.4 All records of acquisition and disposition of these drugs shall be readily retrievable in a form separate from the pharmacy's other records. (BPC 4126(b))
- 4.5 The drugs shall be returned to the distributor from which the drugs were obtained if drugs to be dispensed to patient of a covered entity pursuant to section 256b of Title 42USC cannot be distributed because of a change in circumstances of the covered entity or the pharmacy. (BPC 4126(c))
- 4.6 A licensee that participates in a contract to dispense preferentially priced drugs pursuant to this section shall not have both a pharmacy and a wholesaler license. (BPC 4126(d))

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---

---

---

---

**B. UNDERLYING OPERATING PHARMACY**

Yes No N/A

4.7 The operating pharmacy has obtained a license from the Board to operate the APDS which includes the address of the APDS location and the identity of the covered entity or affiliated site (BPC 4119.11(a) 1).

4.8 A separate license was obtained for each APDS location and has been renewed annually concurrent with the pharmacy license. (Note: The Board may issue a license for operation of an APDS at an address for which the Board has issued another site license) (BPC 4119.11(a)1), BPC 4119.11(a)8, BPC 4107

4.9 A precensure inspection of the proposed APDS location was conducted by the Board within 30 days after Board receipt of the APDS application before Board approval. (BPC 4119.11(a) 9)

Date of Inspection: \_\_\_\_\_

4.10 The pharmacy will submit a new APDS licensure application for Board approval if the current APDS is relocated (BPC 4119.11(a)9)

4.11 The pharmacy will notify the Board within 30 days of replacement of an APDS or discontinuing an APDS. (BPC 4119.11(a)9 & 11)

4.12 A new APDS licensure application will be submitted if original APDS is cancelled due to the underlying operating pharmacy's permit being cancelled, not current, not valid, or inactive. (Once cancelled, a new APDS license can only be issued if the underlying pharmacy's permit is reissued or reinstated) (BPC 4119.11(a)10)

4.13 The pharmacy does not have more than 15 APDS licenses for one underlying operating pharmacy under this section. (BPC 4119.11(d)10). List of current APDS licenses:

1. \_\_\_\_\_ 2. \_\_\_\_\_

3. \_\_\_\_\_ 4. \_\_\_\_\_

5. \_\_\_\_\_ 6. \_\_\_\_\_

7. \_\_\_\_\_ 8. \_\_\_\_\_

9. \_\_\_\_\_ 10. \_\_\_\_\_

11. \_\_\_\_\_ 12. \_\_\_\_\_

13. \_\_\_\_\_ 14. \_\_\_\_\_

15. \_\_\_\_\_

Yes No N/A

4.14 The operating pharmacy will maintain the written APDS policies and procedures for 3 years after the last date of use for that APDS. (BPC 4119.11(d)11)

4.15 The operating pharmacy of an APDS has completed an annual Self-Assessment pursuant to CCR 1715 or BPC 4427.7(a) evaluating the pharmacy's compliance with pharmacy law relating to the use of the APDS. (BPC 4119.11(i))

Date of Last Self-Assessment: \_\_\_\_\_

4.16 The operating pharmacy has complied with all recordkeeping and quality assurance requirements pursuant to BPC 4119.11 and those records will be maintain within the pharmacy holding the APDS and separately from the other pharmacy records. (BPC 4119.11(j))

4.17 The pharmacy is aware that the drugs stored in an APDS are a part of the operating pharmacy's drug inventory and the drugs dispensed by the APDS shall be considered to have been dispensed by that pharmacy. (BPC 4119.11(a)3)

4.18 The underlying operating pharmacy is solely responsible for:

- The security of the APDS. (BPC 4119.11(a)5)
- The operation of the APDS. (BPC 4119.11(a)5)
- The maintenance of the APDS. (BPC 4119.11(a)5)
- The training regarding the operation and use of the APDS for both the pharmacy and covered entity personnel using system. (BPC 4119.11(a)6)

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---

---

---

---



**C. PHARMACIST RESPONSIBILITIES**

Yes No N/A

- 4.19 The operation of the APDS is under the supervision of a licensed pharmacist acting on behalf of the operating pharmacy. (BPC 4119.11(a)7). Note: The pharmacist need not be physically present at the site of the APDS and may supervise the system electronically.
  
- 4.20 The pharmacist performs the stocking of the APDS or if the APDS utilizes removable pockets, cards, drawers, similar technology, or unit of use or single dose containers are used the stocking of the APDS may be done outside of the facility if the following conditions are met: (BPC 4119.11(g))
  
- 4.21 A pharmacist, intern pharmacist or pharmacy technician working under the supervision of the pharmacist may place drugs into the removeable pockets, cards, drawers, similar technology, or unit of use or single dose containers. (BPC 4119.11(g)(1))
  
- 4.22 Transportation of removeable pockets, cards, drawers or similar technology or unit of use or single dose container between the pharmacy and the facility are in a tamper-evident container. (BPC 4119.11(g)(2))
  
- 4.23 There are policies and procedures to ensure the removeable pockets, cards, drawers, similar technology, or unit of use or single dose containers are properly placed into the APDS. (BPC 4119.11(g)(3))
  
- 4.24 The pharmacist conducts a monthly review of the APDS including a physical inspection of the drugs contained within, operation, maintenance, and cleanliness of the APDS, and a review of all transaction records in order to verify the security and accountability of the APDS. (BPC 4119.11(h))  
  
Date of Last Inspection: \_\_\_\_\_
  
- 4.25 The APDS dispenses medications **directly** to the patient ONLY if all the following are met: (BPC 4119.11(d)1 & 2)
  
- 4.26 The pharmacist has performed all clinical services as part of the dispensing process including but not limited to drug utilization review and consultation. (BPC 4119.11(d)4)
  
- 4.27 Drugs are dispensed from the APDS only upon authorization from the pharmacist after the pharmacist has reviewed the prescription and the patient's profile for potentials contraindication and adverse drug reactions. (BPC 4119.11(d)5)
  
- 4.28 The pharmacist consulted patients for the first time on all prescribed drugs and devices dispensed from the APDS. The consultation shall be provided by a **Board licensed pharmacist** via telecommunication link that has two-way audio and video capabilities. (BPC 4119.11(d)6)

Yes No N/A

- 4.29 The Pharmacist-in-charge of the offsite ADDS/APDS has ensured the [CCR 1715.65(h)]:
  - All controlled substances added to the ADDS/APDS are accounted for;
  - Access to ADDS/APDS is limited to authorized facility personnel;
  - An ongoing evaluation of discrepancies or unusual access associated with controlled substance is performed; and
  - Confirmed losses of controlled substances are reported to the Board

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---



---



---



---

**D. DEVICE REQUIREMENTS**

Yes No N/A

- 4.30 Access to the APDS is controlled and tracked using an identification or password system or biosensor. Systems tracked via password shall include a camera that records a picture of the individual accessing the APDS and the picture must be maintained for a minimum of 180 days. (BPC 4119.11(e))
- 4.31 The APDS makes complete and accurate records of all transactions including users accessing system and drugs added and removed from the APDS. (BPC 4119.11(f))
- 4.32 Drugs stored in an APDS are a part of the inventory of the operating pharmacy and the drugs dispensed by the APDS shall be considered to have been dispensed by that pharmacy. (BPC 4119.11(a)3)
- 4.33 The APDS will collect, control, and maintain all transaction information to accurately track the movement of drugs into and out of APDS. (BPC 4119.11(c)1)
- 4.34 The APDS will maintain transaction information in a readily available in downloadable format for review and inspection by authorized individuals for a minimum of 3 years. (BPC 4119.11(c)2)
- 4.35 The APDS may dispense medications **DIRECTLY** to the patient if **all** the following are met: (BPC 4119.11(d)1 & 2)
- 4.36 The pharmacy has developed and implemented written policies and procedures with respect to all the following and the policies shall be reviewed annually:

Date of Last Policy Review: \_\_\_\_\_

Yes No N/A

- 4.37 Maintaining the security of the APDS and dangerous drug and devices within the APDS. (BPC 4119.11(d)1A)
- 4.38 Determine and apply inclusion criteria regarding which drugs, devices are appropriate for placement in the APDS and for which patients. (BPC 4119.11(d)(1)B)
- 4.39 Ensuring patients are aware that consultation with a pharmacist is available for any Prescription medication including those delivered via APDS. (BPC 4119.11(d)(1)C)
- 4.40 Describing assignment of responsibilities and training of pharmacy personnel and other personnel using the APDS at that location regarding maintenance and filling procedures for the APDS. (BPC 4119.11 (d)(1)D)
- 4.41 Orienting patients on use of APDS and notifying patients when expected medications are not available in the APDS. The pharmacy must ensure the use of the SPDS does not interfere with the delivery of drugs and devices. (BPC 4119.11 (d)(1)E)
- 4.42 Ensuring the delivery of drugs and devices to patients expecting medications from the APDS in the event the APDS is disabled or malfunctions. (BPC 4119.11 (d)(1)F)
- 4.43 Only used for patient who have signed a written consent demonstrating their informed consent to receive prescribed drug and devices from the APDS. Attach copy of consent form. (BPC 4119.11 (d)2)
- 4.44 The device shall a means to identify each patient and only release the identified patient's drugs and devices to the patient or the patient's agent. (BPC 4119.11 (d)3)
- 4.45 The pharmacist has performed all clinical services as part of the dispensing process including but not limited to drug utilization review and consultation. (BPC 4119.11 (d)4)
- 4.46 Drugs are dispensed from the APDS only upon authorization from the pharmacist after the pharmacist has reviewed the prescription and the patient's profile for potentials contraindication and adverse drug reactions. (BPC 4119.11 (d)5)
- 4.47 The pharmacist shall consult patients for the first time on all prescribed drugs and devices dispensed from the APDS. The consultation shall be provided by a Board licensed pharmacist via telecommunication link that has two-way audio and video capabilities. (BPC 4119.11 (d)6)
- 4.48 The APDS shall prominently post a notice that provides the name, address and telephone number of the pharmacy (BPC 4119.11 (d)7)

Yes No N/A

- 4.49 The prescription labels on all drugs dispensed via APDS shall comply with BPC 4076 and CCR 1707.5. (BPC 4119.11 (d)8)
- 4.50 Any complaint, error or omission involving the APDS shall be reviewed as a part of the pharmacy's Quality Assurance program pursuant to BPC 4125. (BPC 4119.11 (d)9)
- 4.51 The federal warning label prohibiting transfer of controlled substances is on the prescription container. (21 CFR 290.5)
- 4.52 Prescriptions are dispensed in a new and child-resistant container, or senior-adult ease-of-opening tested container, or in a non-complying package only pursuant to the prescriber or when requested by the purchaser. (15 USC 1473[b], 16 CFR 1700.15, CCR 1717)
- 4.53 Patient package inserts are dispensed with all estrogen medications. (21 CFR 310.515)
- 4.54 The pharmacy provides patients with Black Box Warning Information in conformance with 21 CFR 201.57[c].
- 4.55 Medication guides are provided on required medications. (21 CFR 208.1)

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---

---

---

---

**E. RECORD KEEPING REQUIREMENTS**

Yes No N/A

- 4.56 The operating pharmacy has complied with all recordkeeping and quality assurance requirements pursuant to BPC 4119.11 and those records shall be maintain within the pharmacy holding the APDS and separately from the other pharmacy records. (BPC 4119.11(j))
- 4.57 The operating pharmacy will maintain records of acquisition and disposition of dangerous drugs stored in the APDS separate from other pharmacy records. (BPC 4119.11(a)4)
- 4.58 The APDS transaction information will be maintained in a readily available in downloadable format for review and inspection by authorized individuals for a minimum of 3 years. (BPC 4119.11(c)2)
- 4.59 Any records maintained electronically must be maintained so that the pharmacist-in-charge, or the pharmacist on duty if the pharmacist-in-charge is not on duty, must, at all times during which the licensed premises are open for business, be able to produce a hardcopy and

electronic copy of all records of acquisition and disposition or other drug or dispensing-related records maintained electronically. [BPC 4105(d)(1)]

Yes No N/A

4.60 The Records of drugs purchased and received pursuant to Section 256b of Title 42 USC shall be readily retrievable in a form separate from the pharmacy's other records. (BPC 4126(b))

4.61 The pharmacy reports drug losses as required by law. (BPC 4105.5(c), CCR 1715.6, 21CFR 1301.76, & BPC 4104)

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---

---

---

---

---

#### F. POLICIES AND PROCEDURES

Yes No N/A

4.62 The APDS will dispense medications directly to the patient if all the following are met: [BPC 4119.11(d)(1)(2)]. The pharmacy has developed and implemented written policies and procedures with respect to all the following and the policies are reviewed annually:

- Maintaining the security of the APDS and dangerous drug and devices within the APDS
- Determine and apply inclusion criteria regarding which drugs, devices are appropriate for placement in the APDS and for which patients.
- Ensuring patients are aware that consultation with a pharmacist is available for any prescription medication including those delivered via APDS
- Describing assignment of responsibilities and training of pharmacy personnel and other personnel using the APDS at that location regarding maintenance and filling procedures for the APDS.
- Orienting patients on use of APDS and notifying patients when expected medications are not available in the APDS. The pharmacy must ensure the use of the APDS does not interfere with the delivery of drugs and devices.
- Ensuring the delivery of drugs and devices to patients expecting medications from the APDS in the event the APDS is disabled or malfunctions.

Date of Last Policy Review: \_\_\_\_\_

4.63 The pharmacy has policies and procedures for security measures and monitoring of the inventory to prevent theft and diversion. (BPC 4105.5(c))

4.64 The pharmacy reports drug losses as required by law. (BPC 4105.5(c), CCR 1715.6, 21CFR 1301.76, & BPC 4104)

Last Reported Drug Loss: \_\_\_\_\_

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---

---

---

---

---

---

---

---

**SECTION 5: ADDS ADJACENT TO THE SECURED PHARMACY AREA AND IN MEDICAL OFFICES.**

**A. GENERAL REQUIREMENTS**

Yes No N/A

5.1 The pharmacy maintains the APDS policies and procedures for 3 years after the last date of use for that APDS (BPC 4427.6 (l)).

5.2 The pharmacy developed and implemented, and reviewed annually the APDS policy and procedures pertaining to the APDS, including: (BPC 4427.6 (a)).

- Maintaining the security of the APDS and the dangerous drugs and devices within the APDS.
- Determining and applying inclusion criteria regarding which drugs and devices are appropriate for placement in the APDS and for which patients.
- Ensuring patients are aware consultation with a pharmacist is available for any prescription medications, including those delivered via the APDS.
- Describing assignment of responsibilities to, and training of, pharmacy personnel and other personnel using the APDS at the location where the APDS is placed, regarding maintenance and filing procedures for the APDS.
- Orienting participating patients on the use of the APDS, notifying patients when expected prescription medications are not available in the APDS, and ensuring patient use of the APDS does not interfere with delivery of drugs and devices.
- Ensuring delivery of drugs and devices to patients expecting to receive them from the APDS in the event the APDS is disabled or malfunctions.

5.3 The pharmacy does not have more than 15 APDS licenses for one underlying operating pharmacy under this section. (BPC 4427.6 (k)). List of current APDS licenses:

1. \_\_\_\_\_ 2. \_\_\_\_\_

3. \_\_\_\_\_ 4. \_\_\_\_\_

5. \_\_\_\_\_ 6. \_\_\_\_\_

7. \_\_\_\_\_ 8. \_\_\_\_\_

9. \_\_\_\_\_ 10. \_\_\_\_\_

11. \_\_\_\_\_ 12. \_\_\_\_\_

13. \_\_\_\_\_ 14. \_\_\_\_\_

15. \_\_\_\_\_

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. PHARMACIST RESPONSIBILITIES:**

Yes No N/A

5.4 A pharmacist licensed by the board performs all clinical services conducted as part of the dispensing process, including but not limited to, drug utilization review and consultation (BPC 4427.6 (d)).

5.5. Drugs are dispensed from the APDS only upon authorization from the pharmacist after the pharmacist has reviewed the prescription and the patient’s profile for potential contraindications and adverse drug reactions (BPC 4427.6 (e)).

5.6. A board licensed pharmacist performs consultation via a telecommunication link that has two-way audio and video for all drugs and devices dispensed to a patient from the APDS for the first time (BPC 4427.6(f)).

The Pharmacist-in-Charge of the offsite ADDS/APDS has ensured that (CCR 1715.65(h)):

5.7. All controlled substances added to the ADDS/APDS are accounted for;

5.8. Access to ADDS/APDS is limited to authorized facility personnel;

5.9. An ongoing evaluation of discrepancies or unusual access associated with controlled substance is performed; and

5.10. Confirmed losses of controlled substances are reported to the Board.

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. DEVICE REQUIREMENTS:**

Yes No N/A

- 5.11 The stocking of the APDS is performed by a pharmacist, or by a pharmacy technician or intern pharmacist under the supervision of a pharmacist (BPC 4427.4 (e)(1)).
- 5.12. Access to the APDS is controlled and tracked using an identification or password system or biosensor (BPC 4427.4 (e)(2)).
- 5.13. The APDS makes a complete and accurate record of all transactions that includes all users accessing the system and all drugs added to, or removed from, the system (BPC 4427.4(e)(3)).
- 5.14 Drugs and devices not immediately transferred into an APDS upon arrival at the APDS location are stored for no longer than 48 hours in a secured room within the APDS location. Upon retrieval of these drugs and devices from secured storage, an inventory is taken to detect any losses or overages (BPC 4427.4 (f)).
- 5.15 Drugs stored in the APDS are part of the inventory of the operating pharmacy and drugs dispensed by the APDS shall be considered to have been dispensed by the pharmacy (BPC 4427.4 (d)).
- 5.16 The APDS is only used for patients who have signed a written consent form demonstrating their informed consent to receive prescribed drugs and devices from an APDS, and whose use of the APDS meets established inclusion criteria (BPC 4427.6 (b)).
- 5.17 The APDS has a means to identify each patient and only release the identified patient's drugs and devices to the patient or the patient's agent (BPC 4427.6(c)).
- 5.18. A pharmacist licensed by the board performs all clinical services conducted as part of the dispensing process, including but not limited to, drug utilization review and consultation (BPC 4427.6 (d)).
- 5.19 Drugs are dispensed from the APDS only upon authorization from the pharmacist after the pharmacist has reviewed the prescription and the patient's profile for potential contraindications and adverse drug reactions (BPC 4427.6 (e)).
- 5.20. A board licensed pharmacist performs consultation via a telecommunication link that has two-way audio and video for all drugs and devices dispensed to a patient from the APDS for the first time (BPC 4427.6(f)).
- 5.21. The APDS has a notice, prominently posted on the APDS, which provides the name, address, and phone number of the pharmacy (BPC 4427.6 (g)).



Yes No N/A

5.22. Any incident involving the APDS where a complaint, error, or omission occurred is reviewed as part of the pharmacy's quality assurance program pursuant to BPC 4125 (BPC 4427.6 (i)).

5.23. If the APDS is located and operated in a medical office or other location where patients are regularly seen for purposes of diagnosis and treatment, the APDS is only used to dispense dangerous drugs and dangerous devices to patients of the practice (BPC 4427.6(j)).

5.24. The pharmacy has developed and implemented written policies and procedures with respect to the APDS use and the policies shall be reviewed annually (BPC 4427.6 (a)).

Date of Last Policy Review: \_\_\_\_\_

5.25. The labels on all drugs and devices dispensed by the APDS comply with Section 4076 and with Section 1707.5 of Title 16 of the California Code of Regulations (BPC 4427.6(h)).

5.26. The federal warning label prohibiting transfer of controlled substances is on the prescription container. (21 CFR 290.5)

5.27. Prescriptions are dispensed in a new and child-resistant container, or senior-adult ease-of-opening tested container, or in a non-complying package only pursuant to the prescriber or when requested by the purchaser. (15 USC 1473[b], 16 CFR 1700.15, CCR 1717)

5.28. Patient package inserts are dispensed with all estrogen medications. (21 CFR 310.515)

5.29. The pharmacy provides patients with Black Box Warning Information in conformance with 21 CFR 201.57[c].

5.30. Medication guides are provided on required medications. (21 CFR 208.1)

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**D. RECORD KEEPING REQUIREMENTS**

Yes No N/A

5.31. Any incident involving the APDS where a complaint, error, or omission occurs is reviewed as part of the pharmacy's quality assurance program pursuant to BPC 4125 (BPC 4427.6 (i)).

5.32. The pharmacy reports drug losses as required by law. (CCR 1715.6, 21 CFR 1301.76 & BPC 4104)).

Yes No N/A

- 5.33. The pharmacy operating the APDS has completed an annual Self-Assessment pursuant to CCR 1715 evaluating the pharmacy's compliance with pharmacy law relating to the use of the APDS (BPC 4427.7(a)).

Date of Last Self-Assessment: \_\_\_\_\_

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---



---



---

### E. POLICIES AND PROCEDURES

**The pharmacy has developed and implemented written policies and procedures with respect to all the following and the policies shall be reviewed annually:**

Yes No N/A

- 5.34. Maintaining the security of the APDS and dangerous drug and devices within the APDS (BPC 4427.6 (a)(1)).
- 5.35. Determine and apply inclusion criteria regarding which drugs, devices are appropriate for placement in the APDS and for which patients (BPC 4427.6 (a)(2)).
- 5.36. Ensuring patients are aware that consultation with a pharmacist is available for any prescription medication including those delivered via APDS (BPC 4427.6 (a)(3)).
- 5.37. Describing assignment of responsibilities and training of pharmacy personnel and other personnel using the APDS at that location regarding maintenance and filling procedures for the APDS (BPC 4427.6 (a)(4)).
- 5.38. Orienting patients on use of APDS and notifying patients when expected medications are not available in the APDS. The pharmacy must ensure the use of the APDS does not interfere with the delivery of drugs and devices (BPC 4427.6 (a)(5)).
- 5.39. Ensuring the delivery of drugs and devices to patients expecting medications from the APDS in the event the APDS is disabled or malfunctions (BPC 4427.6 (a)(6)).

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---



---



---

**SECTION 6: ADDS IN A HEALTH FACILITY PURSUANT TO HSC 1250 – LONG TERM CARE FACILITIES**

**A. GENERAL REQUIREMENTS**

For purposes of this section, "FACILITY" means a health facility licensed pursuant to subdivision (c), (d), or (k) of Section 1250 that has and ADDS provided by a pharmacy (HSC 1261.6 (a)(2)).

For purposes of this section, "PHARMACY SERVICES" means the provision of both routine and emergency drugs and biologicals to meet the needs of the patient, as prescribed by a physician (HSC 1261.6 (a)(3)).

Yes No N/A

- 6.1. The facility and the pharmacy has developed and implemented written policies and procedures to ensure safety, accuracy, accountability, security, patient confidentiality, and maintenance of the ADDS as well as quality, potency, and purity of the stored drugs and devices (BPC 4427.3 (c), HSC 1261.6 (d)(1)).
- 6.2. The ADDS policies and procedures define access to the ADDS and limits to access to equipment and drugs (HSC 1261.6 (d)(1)).
- 6.3. All ADDS policies and procedures are maintained at the pharmacy and the location where the ADDS is being used (HSC 1261.6 (d)(2), (BPC 4427.3 (c))).
- 6.4. The pharmacy is responsible for review of drugs contained within the ADDS and the operation and maintenance of the ADDS (HSC 1261.6 (h)).

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---

---

---

**B. PHARMACIST RESPONSIBILITIES:**

Yes No N/A

- 6.5 The stocking of the ADDS is performed by a pharmacist or if the ADDS utilizes removable pockets, cards, drawers, similar technology, or unit of use or single dose containers are used, the stocking system may be done outside the facility and be delivered to the facility if the following conditions are met: (HSC 1261.6 (g)).
- 6.6. The task of placing drugs into the removeable pockets, cards, drawers, or unit of use or single dose containers is performed by a pharmacist, or by an intern pharmacist or a pharmacy technician under the direct supervision of a pharmacist (HSC 1261.6 (g)(1)).

Yes No N/A

- 6.7. The removable pockets, cards, drawers, or unit of use or single dose containers are transported between the pharmacy and the facility in a secure tamper-evident container (HSC 1261.6 (g)(2)).
- 6.8. The facility, in conjunction with the pharmacy, has developed policies and procedures to ensure that the removable pockets, cards, drawers, or unit of use or single dose containers are properly placed into the ADDS (HSC 1261.6 (g)(3)).
- 6.9. Individualized and specific access to the ADDS is limited to facility and contract personnel authorized by law to administer drugs (BPC 1261.6 (c)).
- 6.10. A pharmacist reviews and approves all orders prior to a drug being removed from the ADDS for administration to a patient. The pharmacist reviews the prescriber's orders and the patient's profile for potential contraindications and adverse drug reactions (HSC 1261.6 (f)(2)).
- 6.11 The review of the drugs contained within the ADDS and the operation and maintenance of the ADDS is conducted, on a monthly basis, by a pharmacist. The review includes a physical inspection of the ADDS for cleanliness, and a review of all transaction records in order to verify the security and accountability of the system (HSC 1261.6 (h)).

The Pharmacist-in-Charge of the offsite ADDS/APDS has ensured that (CCR 1715.65(h)):

- 6.12. All controlled substances added to the ADDS/APDS are accounted for:
- 6.13. Access to ADDS/APDS is limited to authorized facility personnel;
- 6.14. An ongoing evaluation of discrepancies or unusual access associated with controlled substance is performed; and
- 6.15. Confirmed losses of controlled substances are reported to the Board.

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---



---



---

**C. DEVICE REQUIREMENTS:**

Yes No N/A

- 6.16 The stocking and restocking of the ADDS is performed in compliance with Section 1261.6 of the Health and Safety Code (BPC 4427.4 (e)(1)).
- 6.17 The stocking of the ADDS is performed by a pharmacist or if the ADDS utilizes removable pockets, cards, drawers, similar technology, or unit of use or single dose containers are used,

the stocking system may be done outside the facility and be delivered to the facility if the following conditions are met: (HSC 1261.6 (g)).

Yes No N/A

- 6.18 The task of placing drugs into the removeable pockets, cards, drawers, or unit of use or single dose containers is performed by a pharmacist, or by an intern pharmacist or a pharmacy technician under the direct supervision of a pharmacist (HSC 1261.6 (g)(1)).
- 6.19 The removable pockets, cards, drawers, or unit of use or single dose containers are transported between the pharmacy and the facility in a secure tamper-evident container (HSC 1261.6 (g)(2)).
- 6.20. The facility, in conjunction with the pharmacy, has developed policies and procedures to ensure that the removable pockets, cards, drawers, or unit of use or single dose containers are properly placed into the ADDS (HSC 1261.6 (g)(3)).
- 6.21 Individualized and specific access to the ADDS is limited to facility and contract personnel authorized by law to administer drugs (BPC 1261.6 (c)).
- 6.22. Drugs and devices not immediately transferred into an ADDS upon arrival at the ADDS location are stored for no longer than 48 hours in a secured room within the ADDS location. Upon retrieval of these drugs and devices from secured storage, an inventory is taken to detect any losses or overages (BPC 4427.4 (f)).
- 6.23 Transaction information from the ADDS will be made readily available in a written format for review and inspection by individuals authorized by law and maintained in the facility for a minimum of three years (HSC 1261.6 (b)).
- 6.24. Information required by BPC Section 4076 and HSC 111480 is readily available at the time of drug administration if unit dose packaging or unit of use packaging is used. Unit dose packaging, for purposes of this section, includes blister pack cards (HSC 1261.6 (i)).

**When the ADDS is used as an emergency pharmaceutical supplies container, drugs removed from the ADDS are limited to the following (HSC 1261.6 (e)):**

Yes No N/A

- 6.25. A new drug order given by a prescriber for a patient of the facility for administration prior to the next scheduled delivery from the pharmacy, or 72 hours, whichever is less. The drug is retrieved only upon the authorization of a pharmacist and after the pharmacist has reviewed the prescriber's order and the patient's profile for potential contraindications and adverse drug reactions (HSC 1261.6 (e)(1)).
- 6.26. Drugs that a prescriber has ordered for a patient on an as-needed basis, if the utilization and retrieval of those drugs are subject to ongoing review by a pharmacist (HSC 1261.6 (e)(2)).

Yes No N/A

- 6.27. Drugs designed by the patient care policy committee or pharmaceutical service committee of the facility as emergency drugs or acute onset drugs. These drugs are retrieved from the ADDS pursuant to the order of a prescriber for emergency or immediate administration to a patient of the facility and reviewed by a pharmacist within 48 hours (HSC 1261.6 (e)(3)).

**When the ADDS is used to provide pharmacy services pursuant to BPC 4017.3, the ADDS is subject to the following requirements (HSC 1261.6 (f)):**

Yes No N/A

- 6.28. Drugs removed from the ADDS for administration to a patient are in properly labeled units of administration containers or packages (HSC 1261.6 (f)(1)).
- 6.29. A pharmacist reviews and approves all orders prior to a drug being removed from the ADDS for administration to a patient. The pharmacist reviews the prescriber's orders and the patient's profile for potential contraindications and adverse drug reactions (HSC 1261.6 (f)(2)).
- 6.30. The pharmacy controls access to the drugs stored in the ADDS (HSC 1261.6 (f)(3)).
- 6.31. Access to the ADDS is controlled and tracked using an identification or password system or biosensor (BPC 4427.4 (e)(2), (HSC 1261.6 (f)(4)).
- 6.32. The ADDS makes a complete and accurate record of all transactions that includes all users accessing the system and all drugs added to, or removed from, the system (BPC 4427.4(e)(3), (HSC 1261.6 (f)(5)).
- 6.33. After the pharmacist reviews the prescriber's order, access by licensed personnel to the ADDS is limited only to drugs ordered by the prescriber and reviewed by the pharmacist and that are specific to the patient (HSC 1261.6 (f)(6)).
- 6.34. When the prescriber's order requires a dosage variation of the same drug, licensed personnel only have access to the drug ordered for that scheduled time of administration (HSC 1261.6 (f)(6)).
- 6.35. If the ADDS system allow licensed personnel to have access to multiple drugs and are not patient specific in their design, the ADDS system has electronic and mechanical safeguards in place to ensure that the drugs delivered to the patient are specific to that patient (HSC 1261.6 (f)(7)).

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

\_\_\_\_\_

---

**D. RECORD KEEPING REQUIREMENTS**

Yes No N/A

- 6.36 The pharmacy complies with all recordkeeping and quality assurance requirements, established in pharmacy law and regulation, and maintains those records within the licensed pharmacy holding the ADDS license and separate from the other pharmacy records (BPC 4427.7 (b)).
- 6.37 Transaction information from the ADDS will be made readily available in a written format for review and inspection by individuals authorized by law and maintained in the facility for a minimum of three years (HSC 1261.6 (b)).
- 6.38 The pharmacy reports drug losses as required by law. (CCR 1715.6, 21 CFR 1301.76 & BPC 4104)).
- 6.39 The pharmacy operating the ADDS has completed an annual Self-Assessment pursuant to BPC4427.7(a) evaluating the pharmacy’s compliance with pharmacy law relating to the use of the APDS (BPC 4427.7(a)).

Date of Last Self-Assessment: \_\_\_\_\_

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---

---

---

---

**E. POLICIES AND PROCEDURES**

Yes No N/A

- 6.40. The facility and the pharmacy has developed and implemented written policies and procedures to ensure safety, accuracy, accountability, security, patient confidentiality, and maintenance of the ADDS as well as quality, potency, and purity of the stored drugs and devices (BPC 4427.3 (c), HSC 1261.6 (d)(1)).
- 6.41 The ADDS policies and procedures define access to the ADDS and limits to access to equipment and drugs (HSC 1261.6 (d)(1)).
- 6.42. All ADDS policies and procedures are maintained at the pharmacy and the location where the ADDS is being used (HSC 1261.6 (d)(2), (BPC 4427.3 (c)).
- 6.43. The facility, in conjunction with the pharmacy, has developed policies and procedures to ensure that the removable pockets, cards, drawers, or unit of use or single dose containers are properly placed into the ADDS (HSC 1261.6 (g)(3)).

Yes No N/A

6.44. The pharmacy has policies and procedures that include appropriate security measures and monitoring of the inventory to prevent theft and diversion. (BPC 4427.2 (d)(3)).

6.45. The pharmacy's policies and procedures include provisions for reporting to the board drug losses from the ADDS inventory, as required by law. (BPC 4427.2 (d)(4), CCR 1715.6, 21CFR 1301.76, & BPC 4104)

Last Reported Drug Loss: \_\_\_\_\_

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION 7: APDS THROUGH A CLINIC PURSUANT TO HSC 1204 OR 1204.1 OR BPC 4180 OR 4190**

**A. GENERAL REQUIREMENTS**

Yes No N/A

7.1 The ADDS is located inside an enclosed building with a premise address, at a location approved by the Board (BPC 4427.3 (a)). The clinic has a current Board of Pharmacy Clinic permit pursuant to BPC 4180 or BPC 4190? or the clinic is licensed pursuant to HSC 1204 or 1204.1: (BPC 4427.3(b)3)

Permit number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

7.2 The clinic has developed and implemented written policies and procedures that ensure the safety, accuracy, accountability, security and patient confidentiality. (BPC 4186(a))

7.3 Drugs removed from the ADDS shall be provided to the patient by a health professional licensed pursuant to this division. (BPC 4186(b))

7.4 The clinic has developed and implemented written policies and procedures that ensure the maintenance of the quality, potency and purity of the drugs. (BPC 4186(a)) **These policies shall be maintained at the location where the ADDS is being used. (BPC 4186(a))**

7.5 Drugs removed from the ADDS shall be provided to the patient by a health professional licensed pursuant to this division. (BPC 4186(b))



7.6 The clinic is responsible for the review of the drugs contained within, and the operation and maintenance of, the ADDS. (BPC 4186 (d))

Yes No N/A

7.7 Drugs dispensed from the clinic ADDS shall comply with labeling requirements in BPC 4076 with CCR 1707.5. [BPC 4186(g), BPC 4426.7(h)]

7.8 The clinic shall keep records of the kind and amounts of drugs purchased, administered, and dispensed and the records shall be available and maintained for a minimum of three years for inspection by all authorized personnel. (BPC 4180(2))

7.9 The proposed ADDS installation location meets the requirement of BPC 4427.3 and the ADDS is secure from access and removal by unauthorized individuals (BPC 4427.2(d)2)

7.10 The clinics licensed under BPC 4180 or BPC 4190 perform periodic inventory and inventory reconciliation functions to detect and prevent the loss of controlled substances. (CCR 1715.65(a))

7.11 The clinic shall compile an inventory reconciliation report of all **federal Schedule II controlled substance** at least every three months. (CCR 1715.65(c)) The compilation requires:

- A physical count (not estimate) of all quantities of all **federal Schedule II controlled substances**.
- A review of all acquisition and disposition records of **federal Schedule II controlled substances** since that last inventory reconciliation report: Date of last inventory \_\_\_\_\_
- A comparison of (1) and (2) to determine if there are any variances.
- All records used to compile each inventory reconciliation report shall be maintained at clinic for 3 years in a readily retrievable form.
- Possible causes of overages shall be identified in writing and incorporated into the inventory reconciliation report.

7.12 The clinic shall report in writing identified losses and known cause to the Board within 30 days of discovery. Cases of the loss is due to theft, diversion or self-use shall be reported to the Board within 14 days of discovery. If the clinic is unable to identify the cause of loss, further investigation shall be undertaken to identify the cause and actions necessary to prevent additional losses of controlled substances (CCR 1715.65(d))

7.13 The individuals performing the inventory AND the clinic professional director shall date and sign the inventory reconciliation reports. The reports shall be readily retrievable at the clinic for 3 years. (CCR 1715.65(e))

7.14 Any incident involving the APDS where a complaint, error, or omission has occurred is reviewed as part of the pharmacy's quality assurance program pursuant to BPC 4125. [BPC 4427.6(i)]

Yes No N/A

- 7.15 The federal warning label prohibiting transfer of controlled substances is on the prescription container. (21 CFR 290.5)
- 7.16 Prescriptions are dispensed in a new and child-resistant container, or senior-adult ease-of-opening tested container, or in a non-complying package only pursuant to the prescriber or when requested by the purchaser. (15 USC 1473[b], 16 CFR 1700.15, CCR 1717)
- 7.17 Patient package inserts are dispensed with all estrogen medications. (21 CFR 310.515)
- 7.18 The pharmacy provides patients with Black Box Warning Information in conformance with 21 CFR 201.57[c].
- 7.19 Medication guides are provided on required medications. (21 CFR 208.1)
- 7.20 Is the APDS located and operated only used to dispense dangerous drugs and dangerous devices to patients of the clinic? [BPC 4427.6j]
- 7.21 Does the pharmacy have no more than 15 ADDS licensed as APDS units? [BPC 4427.6(k)]

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---

---

---

---

**B. PHARMACIST RESPONSIBILITY**

Yes No N/A

- 7.22 The pharmacist performs the stocking of the ADDS. (BPC 4186(c))
- 7.23 Drugs are removed from the ADDS system only upon the authorization of the pharmacist after the pharmacist has reviewed the prescription and patient profile for potential contraindications and adverse drug reactions. (BPC 4186(b)).
- 7.24 The pharmacist shall conduct a review on a monthly basis including a physical inspection of the drugs in the ADDS for cleanliness and a review of all transaction records in order to verify the security and accountability of the ADDS. (BPC 4186(d))

7.25 The pharmacist licensed by the board performs all clinical services conducted as part of the dispensing process, including, but not limited to, drug utilization review and consultation. [BPC 4427.6(d)]

Yes No N/A

7.26 Drugs are dispensed from the APDS after the pharmacist has reviewed the prescription and the patient's profile for potential contraindications and adverse drug reactions. [BPC 4427.6(e)]

7.27 All prescribed drugs and devices dispensed to the patient from an APDS for the first time shall be accompanied by a consultation conducted by a pharmacist licensed by the board via telecommunication link with a two-way audio and video. [BPC 4427.6(f)]

7.28 The APDS has a notice, prominently posted on the APDS, with the name, address, and phone number of the pharmacy holding the ADDS license for the APDS. [BPC 4427.69g]

7.29 The pharmacist shall provide patient consultation pursuant to CCR 1707.2 via a two-way audio and video telecommunication link for drugs dispensed by the clinic ADDS. (BPC 4186(e))

7.30 The pharmacist operating the ADDS shall be located in California (BPC 4186(f)).

7.31 The clinic consultant pharmacist shall review all inventory and inventory reconciliation reports taken and establish and maintain secure methods to prevent losses of controlled substances. The clinic shall develop written policies and procedures for performing the inventory reconciliation reports. (CCR 1715.65(b))

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---

---

---

---

### C. POLICIES AND PROCEDURES

Yes No N/A

7.32 The pharmacy has developed and implemented, and reviewed annually, written policies and procedures pertaining to the APDS, including all the following: [BPC 4427.6(a)]

- Maintaining the security of the APDS and dangerous drugs and dangerous devices within the APDS.
- Determining and applying inclusion criteria regarding which drugs and devices are appropriate for placement in the APDS and for which patients.
- Ensuring patients are aware consultation with a pharmacist is available for any prescription medication, including those delivered via the APDS.
- Describing assignments of responsibilities to, and training of, pharmacy personnel, and other personnel using the APDS at the location where the APDS is placed pursuant to

subdivision (b) of Section 4427.3, regarding maintenance and filing procedures for the APDS.

- Orienting participating patients on the use of the APDS, notifying patient when expected prescription medications are not available in the APDS, and ensuring the patient use of the APDS does not interfere with delivery of drugs and devices.
- Ensuring delivery of drugs and devices to patients expecting to receive them from the APDS in the event the APDS is disabled or malfunctions.

Yes No N/A

- 7.33 Is the APDS only used for patients who have signed a written consent form demonstrating their informed consent to receive prescribed drugs and devices from an APDS, and whose use of the APDS meets inclusion criteria established by policies and procedures. [BPC 4427.6(b)]
- 7.34 Does the APDS have a means of identifying each patient and only releases the identified patient's drugs and devices to the patient or patient's agent. [BPC 4427.6(c)]
- 7.35 The pharmacy holding the ADDS license for an APDS maintains its policies and procedures for three (3) years after the last date of use of an APDS. [BPC 4427.6(l)]
- 7.36 Does the pharmacy maintain all recordkeeping and quality assurance requirements established in pharmacy law and regulations, and maintain these records within the licensed pharmacy holding the ADDS license and separate from other pharmacy records. [BPC 4427.7(b)]

## **SECTION 8: ADDS OPERATED BY A CORRECTIONAL CLINIC**

### **A. GENERAL REQUIREMENTS**

Yes No N/A

- 8.1 The pharmacy uses an "automated drug delivery system" used in a correctional clinic, meaning a mechanical system controlled remotely by a pharmacist that performs operations or activities, other than compounding or administration, relative to the storage, dispensing, or distribution of prepackaged dangerous drugs or dangerous devices. An automated drug delivery system shall collect, control, and maintain all transaction information to accurately track the movement of drugs into and out of the system for security, accuracy, and accountability. [BPC 4187.5(h)]
- 8.2 The ADDS is located in a "correctional clinic," a primary care clinic, as referred in subdivision (b) of Section 1206 of the Health and Safety Code, conducted, maintained, or operated by the state to provide health care eligible patients of the Department of Corrections and Rehabilitation (BPC 4187).
- 8.3 The correctional clinic licensed by the board obtains the drugs from a licensed correctional pharmacy, the Department of Correction and Rehabilitation's Central Fill Pharmacy, or from

another correctional clinic licensed by the board within the same institution for the administration or dispensing of drugs or devices to patients eligible for care at the correctional facility if under either: (BPC 4187.1(a)

- The directions of a physician and surgeon, dentist, or other person lawfully authorized to prescribe.
- An approved protocol as identified within the statewide Inmate Medical Services Policies and Procedures.

Yes No N/A

- 8.4 The dispensing or administering of drugs in the correctional clinic is performed pursuant to a chart order, as defined in Section 4019, a valid prescription consistent with chapter 9 division 2 of the Business and Professions Code, or pursuant to an approved protocol as identified within the statewide Inmate Medical Services Policies and Procedures. [BPC 4187.1(b)]
- 8.5 The dispensing or administering of drugs in the correctional clinic is performed pursuant to a chart order, as defined in Section 4019, a valid prescription consistent with chapter 9 division 2 of the Business and Professions Code, or pursuant to an approved protocol as identified within the statewide Inmate Medical Services Policies and Procedures. [BPC 4187.1(b)]
- 8.6 Medications dispensed to patients that are kept on the patient's person for use shall meet the labeling requirements of Section 4076 and all record keeping requirements of chapter 9 division 2 of the Business and Professions Code. [BPC 4187.1(b)]
- 8.7 The correctional clinic keeps records of the kind and amounts of drugs acquired, administered, transferred, and dispensed. [BPC 4187.1(c)]
- 8.8 The records are available and maintained for a minimum of three years for inspection by all properly authorized personnel. [BPC 4187.1(c)]
- 8.9 The correctional clinic has obtained a license from the board. [BPC 4187.1(d)(1)]
- 8.10 A separate license was obtained for each correctional clinic location where a APDS is located and is not to be transferrable. [BPC 4187.1(d)(2)]
- 8.11 The correctional clinic's location and address is identified by the correctional institution and building within the correctional institution. [BPC 4187.1(d)(3)]
- 8.12 The correctional clinic will notify the board in advance of any change in the clinic's address on a form furnished by the board. [BPC 4187.1(d)(4)]
- 8.13 The ADDS is secured from access and removal by unauthorized individuals. [BPC 4427.2(d)(2)]

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---

---

---

---

**B. POLICIES AND PROCEDURES**

Yes No N/A

- 8.14 The policies and procedures to implement the laws and regulations of this article within the correctional clinic was developed and approved by the statewide Correctional Pharmacy and Therapeutics Committee referenced in Section 5024.2 of the Penal Code. [BPC 4187.2(a)]
- 8.15 Prior to the issuance of the correctional clinic license by the board, an acknowledgment of the policies and procedures was signed by the correctional facility pharmacist-in-charge servicing the institution, the pharmacist-in-charge for the California Department of Correction and Rehabilitation’s Central Fill Pharmacy, and the correctional clinic’s chief medical executive, supervising dentist, chief nurse executive, and chief executive officer. [BPC 4187.2(a)]
- 8.16 The chief executive officer is responsible for the safe, orderly and lawful provision of pharmacy services. [BPC 4187.2(b)(1)]
- 8.17 The pharmacist-in-charge of the correctional facility shall implement the policies and procedures developed and approved by the statewide Correctional Pharmacy and Therapeutics Committee referenced in Section 5042.2 of the Penal Code and the statewide Inmate Medical Services Policies and Procedures in conjunction with the chief executive officer, the chief medical executive, the supervising dentist, and the chief nurse executive. [BPC 4187.2(b)(1)]
- 8.18 The licensed correctional clinic will notify the board within 30 days of any change in the chief executive officer on a form furnished by the board. [BPC 4187.2(b)(2)]
- 8.19 Schedule II, III, IV or V controlled substances administered by a health care staff of the licensed correctional clinic is lawfully authorized to administer pursuant to a chart order, as defined in Section 4019, a valid prescription consistent with chapter 9 division 2 of the Business and Professions Code, or pursuant to an approved protocol as identified within the statewide Inmate Medical Services Policies and Procedures. (BPC 4187.3)
- 8.20 The ADDS located in a licensed correctional clinic has implemented the statewide Correctional Pharmacy and Therapeutics Committee’s policies and procedures and the statewide Inmate Medical Services Policies and Procedures to ensure safety, accuracy, accountability, security, patient confidentiality, and maintenance of the quality, potency, and purity of drugs. [BPC 4187.5(a)]
- 8.21 All policies and procedures are maintained either in an electronic form or paper form at the location where the automated drug system is being used. [BPC 4187.5(a)]

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---

---

---

---

**C. PHARMACIST RESPONSIBILITIES**

Yes No N/A

8.22 A correctional facility pharmacist inspects the clinic at least quarterly. {BPC 4187.2(c)}

8.23 Drugs removed from the automated drug delivery system is removed upon authorization by a pharmacist after the pharmacist has reviewed the prescription and the patient profile for potential contraindications and adverse drug reactions. If the correctional pharmacy is closed, and if, the prescriber’s professional judgment, a delay in therapy may cause patient harm, the medication may be removed from the automated drug delivery system and administered or furnished to the patient under the direction of the prescriber. Where the drug is otherwise unavailable, a medication may be removed and administered or furnished to the patient pursuant to an approved protocol as identified within the statewide Inmate Medical Services Policies and Procedures. Any removal of the medication from an automated drug delivery system is documented and provided to the correctional pharmacy when it reopens. [BPC 4187.5(b)]

8.24The review is conducted on a monthly basis by a pharmacist and shall include a physical inspection of the drugs in the automated drug delivery system, an inspection of the automated drug delivery system machine for cleanliness, and a review of all transaction records in order to verify the security and accountability of the system. [BPC 4187.5(e)]

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

---

---

---

---

**D. DEVICE REQUIREMENT**

Yes No N/A

8.25 Drugs removed from the automated drug delivery system is provided to the patient by a health professional licensed pursuant to division 2 of the Business and Professions Code who is lawfully authorized to perform the task. [BPC 4187.5(c)]

8.26 The review of the drugs contained within, and the operation and maintenance of, the automated drug delivery system shall be the responsibility of the correctional clinic. [BPC 4187.5(e)]

Yes No N/A

8.27 The automated drug delivery system is operated by a licensed correctional pharmacy. Any drugs within the automated drug delivery system are considered owned by the licensed correctional pharmacy until they are dispensed from the automated drug delivery system. [BPC 4187.5(f)]

8.28 Drugs from the automated drug delivery system in the correctional clinic are removed by a person lawfully authorized to administer or dispense the drugs. [BPC 4187.5(g)]

8.29 Drugs from the automated drug delivery system in the correctional clinic are removed by a person lawfully authorized to administer or dispense the drugs. [BPC 4187.5(g)]

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**E. RECORD KEEPING REQUIREMENTS**

Yes No N/A

8.30 All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous drugs or dangerous devices, at all times during business hours, are open for inspection by authorized officer of the law and is preserved for at least three years from the date of making. A current inventory is kept by the licensed correctional clinic. [BPC 4081(a)]

8.31 All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous drugs or dangerous devices, at all times during business hours, are open for inspection by authorized officer of the law and is preserved for at least three years from the date of making. A current inventory is kept by the licensed correctional clinic. [BPC 4081(a)]

CORRECTIVE ACTION OR ACTION PLAN AND COMPLETION DATE \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**CERTIFICATION ACKNOWLEDGMENT**

**PHARMACIST-IN-CHARGE CERTIFICATION:**

I, (please print) \_\_\_\_\_, RPH # \_\_\_\_\_ hereby certify that I have completed the self-assessment of this automated drug delivery system of which I am the pharmacist-in-charge. Any deficiency identified herein will be corrected. I understand that all responses are subject to verification by the Board of Pharmacy. I further state under penalty of perjury of the laws of the State of California that the information that I have provided in this self- assessment form is true and correct.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Pharmacist-in-Charge)

**ACKNOWLEDGEMENT BY OWNER OF ADDS:**

I, (please print) \_\_\_\_\_, hereby certify under penalty of perjury of the laws of the State of California that I have read and reviewed this completed self-assessment. I understand that failure to correct any deficiency identified in this self-assessment could result in the revocation of the pharmacy's license issued by the California State Board of Pharmacy.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**CERTIFICATION OF COMPLETED ACTION PLAN**

**PHARMACIST-IN-CHARGE CERTIFICATION:**

I, (please print) \_\_\_\_\_, RPH # \_\_\_\_\_ hereby certify that I have completed deficiencies identified in the self-assessment of this automated drug delivery system of which I am the pharmacist-in-charge. I understand that all responses are subject to verification by the Board of Pharmacy. I further state under penalty of perjury of the laws of the State of California that the information that I have provided in this self- assessment form is true and correct.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**ACKNOWLEDGEMENT BY OWNER OF ADDS:**

I, (please print) \_\_\_\_\_, hereby certify under penalty of perjury of the laws of the State of California that I have read and reviewed this completed self-assessment. I understand that failure to correct any deficiency identified in this self-assessment could result in the revocation of the pharmacy's license issued by the California State Board of Pharmacy.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Criminal Conviction  
Substantial  
Relationship and  
Rehabilitation Criteria  
16 CCR §§  
1769 and 1770**

**Title 16. Board of Pharmacy  
Proposed Regulation**

Proposed changes to the current regulation language are shown by strikethrough for deleted language and underline for added language.

**Amend section 1769 of Article 8 of Division 17 of Title 16 of the California Code of Regulations to read as follows:**

(a) In addition to any other requirements for licensure, when considering the approval of an application, the board or its designee may require an applicant to be examined by one or more physicians and surgeons or psychologists designated by the board if it appears that the applicant may be unable to safely practice due to mental illness or physical illness affecting competency. An applicant's failure to comply with the examination requirement shall render his or her application incomplete. The board shall pay the full cost of such examination. The board shall seek that the evaluation be conducted within 60 days of the date the applicant is advised that an examination is required. The board shall receive the examiner's evaluation within 60 days of the date the examination is completed. The report of the examiner shall be made available to the applicant.

If after receiving the report of the evaluation, the board determines that the applicant is unable to safely practice, the board may deny the application.

(b) When considering the denial of a facility or personal license under Section 480 of the Business and Professions Code on the grounds that the applicant was convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:~~the board, in evaluating the rehabilitation of the applicant and his present eligibility for licensing or registration, will consider the following criteria:~~

(1) The nature and gravity of the crime(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(c) If subdivision (b) is inapplicable, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (b), the board shall apply the following criteria in evaluating an applicant's rehabilitation. The board shall find that the

applicant made a showing of rehabilitation and is presently eligible for a license if, after considering the following criteria, the board finds that the applicant is rehabilitated:

- (1) The nature and severity of the act(s) or ~~offense(s)~~crimes(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial under Section 480 of the Business and Professions Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- (4) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(5) The criteria in subdivision (b)(1)-(5), as applicable.

~~(5)~~(6) Evidence, if any, of rehabilitation submitted by the applicant.

~~(e)~~(d) When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) Evidence, if any, of rehabilitation submitted by the licensee.

Note: Authority cited: Sections 482 and 4005, Business and Professions Code. Reference: Sections 480, 481, 482, 488, 493, 4030, 4200 and 4400, Business and Professions Code.

**Amend section 1770 of Article 8 of Division 17 of Title 16 of the California Code of Regulations to read as follows:**

- (a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by ~~his~~the license or registration in a manner consistent with the public health, safety, or welfare.
- (b) In making the substantial relationship determination required under subdivision (a) for a crime, the board shall consider the following criteria:
- (1) The nature and gravity of the offense;
  - (2) The number of years elapsed since the date of the offense; and
  - (3) The nature and duties of the profession or occupation the person may perform with the license type sought or held.
- (c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, those which:
- (1) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, governing the practice of pharmacy.
  - (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of any law of this state, or any other jurisdiction, relating to controlled substances or dangerous drugs.
  - (3) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, relating to government provided or government supported healthcare.
  - (4) Involve dishonesty, fraud, deceit, or corruption related to money, items, documents, or personal information.
  - (5) Involve a conviction for driving under the influence of drugs or alcohol.

Note: Authority cited: Sections 481, 493, and 4005, Business and Professions Code. Reference: Sections 141, 480, 481, 490, 493, 4300, 4301, 4301.5, and 4309, Business and Professions Code.