



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

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



To: Board Members

Subject: Agenda Item XII. Review of Policy Granting President Discretion to Waive Provisions of Pharmacy Laws Pursuant to Business and Professions Code section 4062, Including the Authority to Extend Waivers

Background

Consistent with Business and Professions Code (BPC) section 4062, the California State Board of Pharmacy (Board) has the authority to waive provisions of Pharmacy Law or its regulations adopted pursuant to it if, in the board's opinion, the waiver will aid in the protection of public health or the provision of patient care. Further, the Board's policy delegates to the president the authority to grant waivers under specified conditions.

During its March 2020 meeting, the Board delegated the authority to the Board president to extend previously granted waivers not considered by the board for up to 90 days. Following during the May 2020 meeting, the Board delegated authority to the Board president to grant a waiver for up to 90 days to extend an existing waiver for up to 90 days.

For Board Discussion and Consideration

In light of the ongoing public health crisis resulting from COVID-19, and in consideration of resurgence occurring in California, it appears appropriate to consider if additional conditions of delegated authority or extension authority should be granted to the Board president. Staff note that many broad waivers will expire in September unless Board action is taken either by additional delegated authority granted to the Board president, or action as a Board in a public meeting.

As indicated in the Executive Officer's report, agencies are taking different approaches, with the DCA Director having delegated authority to grant waivers through the end of the declared emergency, while CDPH is extending at least some AFLs through March 2021.

Should the Board determine changes in delegation authority it appropriate, formal Board action is necessary.