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



To: Board Members

Subject: Agenda Item XIII. Discussion and Consideration of Requests to Waive Pharmacy Law Provisions Consistent with the Authority of Business and Professions Code section 4062

Background

As discussed elsewhere in the meeting materials, beginning in March 2020, the Board has been granting waivers of Pharmacy Law and its regulations consistent with the authority of BPC section 4062.

In response in part to surging numbers of COVID positive patients and hospitalizations, California and several other states began rolling back reopening plans. Regrettably, as cases continue to rise, it appears that waivers of Pharmacy Law and its regulations may be necessary for a longer duration than originally anticipated. There are several waivers that will expire before the end of September and early October. It appears appropriate to review these waivers to determine if extensions are appropriate and if so, for what duration.

1. [Signature Requirement for Receipt of Delivery of Drugs \(BPC section 4059.5\)](#)
Summary: Waives the signature requirement for the receipt of the delivery of drugs under specified conditions
Effective: March 17, 2020
Expires: September 22, 2020 or until the emergency declaration is lifted, whichever is sooner.
2. [Prescriber Dispensing Medication to Emergency Room Patient \(BPC sections 4068\(a\)\(1\), 4068\(a\)\(5\), and 4068\(a\)\(6\)\)](#)
Summary: Waives the prohibition against a prescriber dispensing medications to an emergency room patient under specified conditions.
Effective: March 27, 2020
Expires: September 22, 2020, or until the emergency declaration is lifted, whichever is sooner.
3. [Requirement for Consulting Pharmacist to Perform Visits to Clinic \(BPC section 4182\(a\) & \(b\) and section 4192\(a\) & \(b\)\)](#)
Summary: Waives the requirement for a consulting pharmacist to perform quarterly visits to a clinic under specified conditions.
Effective: March 17, 2020
Expires: September 22, 2020
4. [USP <797> Requirements Related to Use of Personal Protective Equipment \(BPC section 4126.8\)](#)

Summary: Waive USP <797> requirements related to the use of PPE, to allow for a PPE mask and gown to be reused by staff performing sterile compounding under specified conditions.

Effective: March 17, 2020

Expires: September 22, 2020

5. [Use of PPE in Certain Compounding Aseptic Isolators or Compounding Aseptic Containment Isolators \(Title 16, California Code of Regulations, section 1751.5\)](#)
Summary: Allows for the potential waiver of required PPE requirements for compounding performed in a CAI or CACI under specified conditions.
Effective: April 1, 2020
Expires: August 30, 2020
6. [Prelicensure Inspection at Proposed Location of an Automated Drug Delivery System \(ADDS\) - Business and Professions Code sections 4119.11\(a\)\(9\) and BPC 4427.2\(e\)](#)
Summary: Waives the inspection requirement a condition of licensure of an ADDS under specified conditions.
Effective: April 13, 2020
Expires: October 9, 2020
7. [Restoration of Retired or Canceled Pharmacist License – BPC section 4200.5\(d\), Related to Retired Licensees; BPC section 4402\(b\), Related to Canceled Pharmacist Licenses; and BPC section 4403, Related to Payment of Fees for Reissuance or Renewal of License](#)
Summary: Waives conditions for reinstatement of a cancelled or retired pharmacist license.
Effective: April 3, 2020
Expires: October 1, 2020
8. [Duty to Consult \(Title 16, California Code of Regulations, section 1707.2\(a\)\)](#)
Summary: Waives the requirement for in-person consultation under specified conditions.
Effective: April 1, 2020
Expires: September 29, 2020
9. [Remote Processing \(BPC section 4071.1\(a\)\)](#)
Summary: Waives limitations on the provisions of remote order entry.
Effective: March 18, 2020
Expires: September 22, 2020