



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 X. Discussion and Consideration of Adoption of Board Approved Regulation, 16 California Code of Regulations Section 1704, Address Change Notification

Background:

At the July 2020 Board meeting, the Board approved proposed regulation text to amend Section 1704 related to address change notifications. This proposal amends the board's regulations regarding the requirements for a licensee to maintain a current electronic mail address with the board, should the licensee have one.

As required by the Administrative Procedure Act, Board staff released the proposed text for the 45-day comment period on September 3, 2021, which ended on October 18, 2021. Several comments were received during the comment period. Attached following this memo are the following:

1. The proposed text released for 45-day public comment.
2. Board staff prepared summarized comments with recommendations
3. Comments received during the 45-day comment period

At this Meeting:

The Board will have the opportunity to discuss the regulation and determine what course of action it wishes to pursue. Among its options:

1. Adopt the regulation text as noticed for 45-day public comment on September 3, 2021.
2. Amend the regulation to address concerns expressed by stakeholders and notice the modified text for a 15-day comment period.

Possible Adoption Language:

Accept the Board staff recommended comment responses and adopt the regulation language as noticed for 45-day comment on September 3, 2021. Additionally, delegate to the executive officer the authority to make technical or nonsubstantive changes as may be required by the Control agencies to complete the rulemaking file.

**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 1704 to Title 16 of the California Code of Regulations, to read as follows:

§ 1704. ~~Change of~~ Providing Addresses.

- (a) Each person holding a certificate, license, permit, registration or exemption to practice or engage in any activity in the State of California under any and all laws administered by the Board shall file a proper and current residence address with the Board at its office in Sacramento and shall within 30 days notify the Board at its said office of any and all changes of residence address, giving both the old and new address.
- (b) Each applicant or person holding a certificate, license, permit, registration or exemption to practice who has an electronic mail address shall provide to the Board that electronic mail address and shall maintain a current electronic mail address, if any, with the Board and shall within 30 days notify the Board of any change of electronic mail address, giving both the old and new electronic mail address.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4003, 4013, and 4100, Business and Professions Code.



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Proposed Regulation to Amend Title 16 CCR Section 1704, Address Change Notification

Summarized 45-day Comments Regarding Address Change Notifications with Board Staff Recommendations:

Written Comments from Sieun Lee

Comment 1: The commenter suggested an exemption to the CURES fee if a pharmacist has a foreign address.

Response to Comment 1: Board staff have reviewed this comment and do not recommend any changes to the text based thereon as the comment is outside the scope of this rulemaking. Board staff note that the CURES fee is assessed by the Department of Justice and not the Board. Additionally, Board staff notes that licensees that live out of the country can designate their pharmacist license as inactive and at the time of renewal, the CURES fee is not accessed.

Written Comments from John Gray, PharmD., Kaiser Permanente

Comment 2: Commenter recommends that the Board implement an online process to update electronic mail addresses, similar to the process currently available for physical address changes.

Response to Comment 2: Board staff have reviewed this comment and do not recommend any changes to the text based thereon. Board staff appreciates the commenters recommendation. Board staff note that email addresses can currently be updated online using the service available for physical addresses; however, Board staff will update the website for clarity upon completion of the rulemaking process.

From: Sieun Lee <nicoleatgeisel@gmail.com>
Sent: Tuesday, October 12, 2021 6:11 PM
To: noreply@dca.ca.gov; Martinez, Lori@DCA <Lori.Martinez@dca.ca.gov>
Subject: Re: Notice of Proposed Action: Address Change Notification

Dear Lori Martinez,

I suggest to exempt CURE fee if RPH's address is foreign.

Thank you!

Sincerely Yours,
Lee

On Sat, Sep 4, 2021 at 2:13 AM California State Board of Pharmacy <00000005e0d26dcf-dmarc-request@subscribe.dcalists.ca.gov> wrote:

The Board of Pharmacy has released a Notice of Proposed Action to amend section 1704 to Title 16 of the California Code of Regulations related to Address Change Notification. The Board of Pharmacy will accept written comments to the proposed text until October 18, 2021, to the following:

Contact Person: Lori Martinez
Agency Name: California State Board of Pharmacy
Address: 2720 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833
Email: Lori.Martinez@dca.ca.gov
Fax: (916) 574-8618

To view all documents associated with this proposed regulatory action and other pending regulations, go to https://www.pharmacy.ca.gov/laws_regs/pending_regs.shtml.

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October 14, 2021

Lori Martinez
California State Board of Pharmacy
2720 Gateway Oaks Dr., Ste 100
Sacramento, CA 95833

Submitted via electronic mail to: Lori Martinez, California State Board of Pharmacy

RE: *Proposal to Amend Section 1704 of Article 2 of Division 17 of Title 16 of the California Code of Regulations*

Dear Ms. Martinez:

Kaiser Permanente appreciates the opportunity to respond to the California Board of Pharmacy's request for comments on the proposed amendments to the Board's regulations pertaining to the requirement that licensees provide their current physical and electronic mail addresses to the Board.

Kaiser Permanente comprises the non-profit Kaiser Foundation Health Plan, the non-profit Kaiser Foundation Hospitals; and the Permanente Medical Groups, self-governed physician group practices that exclusively contract with Kaiser Foundation Health Plan. These entities work together seamlessly to meet the health needs of Kaiser Permanente's nine million members in California. Kaiser Permanente's pharmacy enterprise in California is comprised of hundreds of licensed pharmacies that are staffed by thousands of individual pharmacy licentiates.

Implementation of the requirement to provide a current electronic mail address

Because the Board intends to use a licensee's electronic mail address, when available, "to communicate with applicants and licensees regarding application status, license status, and information impacting the practice of pharmacy in California," the process for licensees to maintain an up-to-date email address with the Board should be as seamless as possible. We encourage the Board to implement a convenient process for all licensees to notify the Board of any changes to a licensee's electronic mail address. Specifically, we suggest that the Board consider implementing an online change of electronic mail address form similar to the existing online change of physical address form.

Kaiser Permanente appreciates the opportunity to provide feedback in response to the proposed amendments to the Board's regulations pertaining to the requirement that licensees provide their current physical and electronic mail addresses to the Board. If you have questions, please contact John Gray (562.417.6417; john.p.gray@kp.org) or Rebecca Cupp (562.302.3217; rebecca.l.cupp@kp.org).

Respectfully submitted,

A handwritten signature in black ink, appearing to be "J. Gray", written over a light gray horizontal line.

John P. Gray, PharmD, MSL
Director, National Pharmacy Regulatory and Legislative Affairs
Kaiser Permanente