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



To: Board Members

**Subject: VI. Discussion and Consideration of Policy Granting President Discretion to Issue or Extend Waivers Issued Pursuant to Business and Professions Code Section 4062**

Background

Beginning in March 2020, the Board has been granting waivers of Pharmacy Law and its regulations consistent with the authority of Business and Professions Code (BPC) section 4062. During the pandemic the Board has delegated authority to the Board President to approve waivers. As part of the December 10, 2020, meeting, members delegated to the President the authority to use discretion on waivers included in the meeting materials through August 31, 2021, or sooner at the President's discretion.

Under separate delegated authority, the President has the authority to issue a waiver for 90 days, and authority to extend waivers for two additional 90-day periods.

As part of the September 23, 2021, Board Meeting, members voted to modify the Board President's delegated authority to approve or extend waivers as appropriate based on current conditions through June 30, 2022, or until 90 days following the declared disaster, whichever is sooner.

Regrettably as the declared disaster and the dynamic nature of the pandemic continues, it may be appropriate for the Board to consider if changes to the Board President's delegated authority is appropriate to allow the Board to quickly respond as appropriate. Staff notes that in February 2022 the Biden administration extended that [national emergency declaration](#). It is staff's understanding that each national emergency declaration generally lasts for one year unless the President announces an earlier termination.

Media sites are reporting that new coronavirus cases are rising across the country. Further published stories indicate that public health experts are predicting that a fall coronavirus surge is likely as cases in the U.S. start to creep up due the new variant.

A key to the Board's success in navigating this ongoing public health emergency has stemmed from its authority to waive provisions of Pharmacy Law to aide in the protection of the public health and the provision of patient care. The delegation of authority to the Board President with routine reporting to members has proven to be an extremely effective means to take quick and meaningful action.

For Board Consideration and Discussion

To initiate the discussion, the Board may wish to consider modifying the current delegated authority granted to the Board President to approve or extend waivers as appropriate based on current conditions through December 31, 2022, or until 90 days following the declared disaster, whichever is sooner.