



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 XVIII. Executive Officer's Report

a. Discussion of Board's Response to COVID-19 Pandemic and Actions Taken by Other Agencies

As the pandemic has continued, the Board continues to dedicate significant resources to its response to the COVID-19 public health crisis both independently as well as in collaboration with other government agencies. The Board continues to rely on its subscriber alert system, Twitter account and website to serve as the primary communication tools for licensees and members of the public.

The Board's website has centralized COVID related information on a dedicated webpage that is accessed from the Board's [homepage](#). This allows for stakeholders to find the information easily, while also ensuring stakeholders can easily find other important including alerts about changes in the law and recent information.

The COVID-19 Information page includes a list of all current and expired [Pharmacy Law waivers](#), with the text of the waivers available through a link and important information from the California COVID-19 Vaccination Program, vaccine coadministration, information on monoclonal antibody treatment, and waivers issued by the DCA Director.

DCA Director Waivers

On April 20, 2021, DCA Director Kirchmeyer issued [DCA Waiver DCA-21-142](#) Order Waiving Staffing Ratio of Pharmacists to Pharmacy Technicians Relating to Administering COVID-19 Vaccines. Under the provisions of this waiver, pharmacists engaged exclusively in initiating and administering COVID-19 vaccines, and pharmacy technicians engaged exclusively in administering COVID-19 vaccines under the direct supervision and control of such pharmacist, may increase the ratio to allow one pharmacist to supervise no more than two pharmacy technicians.

Subsequent to the release of the DCA waiver, though his delegated authority, on April 21, 2021, President Lippe amended and reissued the

[Board's Mass Vaccination Waiver](#) to provide for a similar ratio increase, where the pharmacist and pharmacy technicians are solely involved in vaccinations, as specified. This waiver was subsequently extended by President Oh. Consistent with recent delegated authority, the waiver was again extended and will expire March 31, 2022, unless otherwise extended.

Several other DCA waivers remain in effect. On August 25, 2020, the DCA Director issued [DCA-20-45](#), an order that waives specified professional licensing requirements and amends the scopes of practice of pharmacists and pharmacy technicians to allow them to perform waived, point-of-care tests used to detect SARS-CoV-2; this order remains in effect. As previously reported, the Board developed a process to issue mobile pharmacy licenses under the provisions of Business and Professions Code (BPC) 4062 to pharmacies wishing to provide testing at temporary locations consistent with authorizing provisions found within the purview of Laboratory Field Services with the California Department of Public Health. To date the Board has approved 55 mobile pharmacies for this purpose of COVID-19 testing. The Board anticipates additional requests will be received as pharmacies receive approval from Laboratory Field Services.

Further, on December 22, 2020, the DCA Director issued [DCA-20-103](#), an order that waived provisions that prohibit pharmacy technicians from administering COVID-19 vaccines under specified conditions. Further, consistent with the mobile pharmacy licenses under the provisions of BPC 4062, a process was established for pharmacies wishing to use pharmacy technicians as part of the vaccination team outside of the license pharmacy. To date the Board has approved over 3,284 mobile pharmacies for this purpose.

Broad Waivers Issued/Extended

In response to the recent surge in cases, President Oh, through delegate authority granted by the Board, has reissued several waivers. President Oh recently also authorized a waiver related to approved COVID-19 therapeutics.

The Board currently has 10 broad waivers. Provided below is a brief summary of each waiver and the current expiration date.

1. [Mass Vaccination Sites](#)

Summary: Provides for the storage and redistribution of COVID-19 vaccines in compliance with CDPH and CDC Guidance Related to Mass Vaccination Sites and allows for the use of pharmacy technicians as part of the vaccination team at such sites sponsored by state or local

authorities directly or through contractual arrangements with third parties. Further, this allows for an increase in the ratio of pharmacist to pharmacy technicians under specified conditions.

Effective: April 21, 2021

Expiration: March 31, 2022

2. [Pharmacists Initiating and Administering Vaccines \[\(Title 16, CCR 1764.d\(d\)\)\]](#)

Summary: Waives the requirement for a pharmacist to notify a primary care provider of COVID-19 vaccine administration under specified conditions.

Effective: December 17, 2020

Expiration: Ninety days after the emergency declaration is lifted.

3. [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: April 1, 2022, subject to the proviso if the DCA waiver is extended, the Board's waiver will extend to coincide with the same time limits.

4. [Remote Processing](#)

Summary: Waives limitations on the provisions of remote order entry.

Reinstated: September 3, 2021

Expires: December 31, 2021, or 30 days after the emergency declaration is lifted, whichever is later.

5. [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: January 14, 2022

Expires: February 28, 2022

6. [Prelicensure Inspection at Proposed Location of an Automated Drug Delivery System \(ADDS\) \(BPC 4119.11\(a\)\(9\) and BPC 4427.2\(e\)\)](#)

Summary: Allows for the issuance of an ADDS license without a prelicensure inspection.

Effective: January 14, 2022

Expiration: February 28, 2022

7. [Staffing Ratio of Pharmacists to Intern Pharmacists and General Supervision – Immunizations \(BPC section 4114\)](#)

Summary: Increases the ratio of pharmacists to intern pharmacist under specified conditions.

Amended and Reissued: October 14, 2021

Expiration: March 31, 2022, or 30 days after the emergency declaration is lifted, whichever is sooner.

8. [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.

Effective: January 14, 2022

Expiration: February 28, 2022

9. [Requirement for Consulting Pharmacist to Make Quarterly Visits to Clinic \(BPC sections 4182\(a\) and \(b\)/BPC 4192\(a\) and \(b\)\)](#)

Summary: Waives the requirement for a consulting pharmacist to perform quarterly visits to a clinic under specified conditions.

Effective: January 14, 2022

Expiration: February 28, 2022

10. [Prescriber Dispensing of COVID-19 Oral Therapeutic Medication to Emergency Room Patient \(Including BPC sections 4068\(a\)\(1\), 4068\(a\)\(5\), 4068\(a\)\(6\) and 4076.5\)](#)

Summary: Lifts prohibition against a prescriber dispensing FDA authorized or approved COVID-19 therapeutics to an emergency room patient under specified conditions.

Effective: January 14, 2022

Expiration: June 30, 2022

Site Specific Waivers

As conditions in California have improved and out of state travel has resumed, site specific waivers have decreased. The Board has issued 64 licenses with an approved waiver of the in-person inspection as well as renewed 215 licenses. In such instances a desk audit was completed prior to submission of a recommendation to the president for consideration of the waiver request.

Temporary Licenses

Since early in the pandemic, the Board has worked to issue temporary licenses to address distribution of PPE, ventilators, and vaccinations, as well as temporary licenses for surge locations and other pharmacies. To date the Board has issued 35 temporary licenses.

Operational Changes

Staff and management completed SWOT analyses to determine the long-term teleworking strategies for each of the office positions. This position specific approach has allowed the Board to manage ongoing teleworking for staff while continuing to balance office operations. Recently, the Department of General Services released its

Statewide Telework Policy. Since that time, office staff have completed updated agreements.

In late July Governor Newsom announced action to combat the spread of COVID-19 and protect vulnerable communities by implementing the first-in-the-nation standard to require all state workers to either show proof of full vaccination or to be tested at least once per week. Since that time state agencies have been working on implementation. Board staff that have not provided proof of vaccination are completing testing in compliance with the requirements. As a reminder, Board Members are required to provide proof of vaccination status. Please contact me if you need assistance.

In response to the recent surge in transmission, inspector staff have temporarily suspended in person inspections except in cases of eminent public harm. Desk audits are being performed and site-specific waivers are requested to allow for the issuance or renewal of several compounding facilities.

b. CURES Update

The California Department of Justice (DOJ) has awarded the contract for prescription data collection services for the Controlled Substances Utilization Review and Evaluation System (CURES) to a new vendor, Bamboo Health. This change becomes effective February 9, 2022.

The Board has released information via its subscriber alert system advising licensees of the change. In addition, information is displayed on the Board's [website](#), include the Department of Justice [Notice](#) released December 26, 2021.

Licensees must register with the new vendor. It is the Board's understanding that programming changes will be necessary. Bamboo Health is offering technical assistance 24 hours per day, seven days per week. Licensees can contact Bamboo Health at 1-855-502-0999.