



## LICENSING COMMITTEE REPORT

Stan Weisser, Licensee Member, Chairperson  
Lavanza Butler, Licensee Member, Vice-Chairperson  
Ryan Books, Public Member  
Ricardo Sanchez, Public Member  
Debbie Veale, Licensee Member  
Albert Wong, Licensee Member

### 1. Call to Order and Establishment of a Quorum

### 2. Public Comment for Items Not on the Agenda, Matters for Future Meetings

Note: The committee may not discuss or take action on any matter raised during the public comment section that is not included on this agenda, except to decide to place the matter on the agenda of a future meeting. [Government Code Sections 11125 and 11125.7(a)]

### 3. Discussion and Consideration of Proposed Creation of an Advanced Hospital Technician (AHT) Licensing Program including Licensure Requirements, Authorized Duties and Changes to the Inpatient Pharmacy Operations

**Attachment 1**

#### Background

At several meetings, the committee has discussed the creation of an advance pharmacy technician. Most recently, both the committee and subsequently the board voted to create separate license types for community pharmacy and hospital pharmacy. During the meeting, the board also voted to pursue statutory changes to establish the requirements for the advanced community pharmacy technician.

#### For Committee Discussion and Consideration

During this meeting, members will have the opportunity to review and discuss a proposal to create the advanced hospital pharmacy technician licensing program. Similar to the community requirements, this proposal includes a definition, licensing requirements as well as authorized duties. **Attachment 1** includes the draft statutory language.

#### **Licensing and Renewal Requirements**

As the attachment indicates, for purposes of initiating the discussion, the requirements for licensure are similar those established for the community pharmacy, including the following elements:

- Holds an active pharmacy technician license issued pursuant to this chapter that is in good standing
- Possesses a certification issued by a pharmacy technician certifying program as defined in Section 4202(a)(4).

- Has obtained a minimum of an associate's degree in pharmacy technology, obtained a bachelor's degree, or higher or completed a board approved training program.
- Has obtained 3,000 hours of experience performing the duties of a licensed pharmacy technician in a pharmacy.
- Has passed an advanced pharmacy technician examination.

In lieu of the requirements above, an individual that has graduated from a school of pharmacy recognized by the board would also be eligible for an AHT license.

As drafted, an AHT would be required to complete 20 hours of continuing education each renewal cycle.

### **Proposed Duties**

In addition to the licensure requirements, the proposal establishes authorized duties an AHT could perform under the general direction of a pharmacist in a health care setting including:

- Packaging emergency supplies.
- Sealing emergency containers.
- Preparing and sealing drug kits.
- Performing unit inspections of drug supplies, as specified.

### **Requirements for Hospital**

As a condition of using AHT personnel in a hospital, the proposal establishes obligations for the hospital, including:

- Policies and procedures that detail the duties that will be performed under the general direction of a pharmacist.
- PIC responsibility in the ongoing evaluation of the accuracy of the duties performed by the AHT.
- An electronic record that identifies AHT personnel responsible for performing the authorized duties.

## **4. Discussion and Consideration of Regulations Pursuant to Assembly Bill 401 (Chapter 548, Statutes of 2017) Relating to Pharmacy Technicians Working in A Remote Dispensing Site Pharmacy**

### **Attachment 2**

#### Background/Prior Discussion and Action

Last year the governor signed AB 401, which among other changes, created a remote dispensing site pharmacy (RDSP) licensing program under the board's jurisdiction. As part of the regulatory framework established by the legislation, the board is required to develop regulations that shall apply to pharmacy technicians working at an RDSP [BPC 4132(a)].

#### For Committee Discussion

After review of the board's recent discussions regarding RDSPs and working with the committee chair, staff is recommending that the committee develop regulations similar to those developed for the advanced community pharmacy technicians, and include the following requirements:

1. Possess a certification issued by a pharmacy technician certifying program.
2. Possesses a minimum of an AA degree pharmacy technology, bachelor's degree (or higher), or has completed a board approved training program.
3. Complete 3,000 hours of pharmacy technician experience.
4. Pass an examination evaluating necessary competencies and necessary knowledge of pharmacy law to perform the duties authorized.

Based on the committee's discussion and action, staff will develop the proposed regulation language for presentation at the February 2018 Board Meeting.

**Attachment 2** includes BPC Section 4132(a).

**5. Discussion and Consideration of the Title 16, California Code of Regulations, Section 1706.2, Related to Abandonment of Application Files**

**Attachment 3**

Background

CCR Section 1706.2 establishes the provisions under which the board may determine an application is abandoned. Without this regulatory section, applicants would not understand the criteria used by board staff to deem an application abandoned, which results in an application being withdrawn.

For Committee Discussion and Action

As the board's regulatory jurisdiction continues to grow, this regulation requires frequent amendments to incorporate each newly created licensing program. In its current form, the regulation specifically mentions each license type (i.e. pharmacist, pharmacy technician, wholesaler, pharmacy, etc.). Board staff is recommending simplifying the language to consolidate licenses issued to a premise as well as the licenses issued to individuals. **Note:** The abandonment criteria for the pharmacist licensure exam application and the intern pharmacist application will still be listed individually in the regulation language.

This approach will ensure that all applicants have appropriate notice about the requirements for abandoning an application, while reducing the administrative workload associated with frequent amendments to the regulation.

Provided in **Attachment 3** is a regulatory proposal that could be used to facilitate implementation.

**6. Discussion and Consideration of Patient Consultation Requirements for Mail Order Pharmacies or Nonresident Pharmacies**

**Attachment 4**

At the July 2017 Board Meeting, the board discussed patient consultation provided by nonresident pharmacies. Minutes from this portion of the meeting are attached in **Attachment 4**.

During this portion of the meeting, the committee will discuss consultation requirements for

nonresident pharmacies. The committee may also wish to discuss consultation requirements for California-located pharmacies that ship medication to the patient via mail or delivery. Specific questions for the committee to consider include:

- Are the current requirements for mail order and nonresident pharmacies sufficient to ensure patients have access to a pharmacist for consultation?
- How can mail order and nonresident patients be advised that they have the right to translation services? Are existing requirements sufficient?
- Are patients of mail order and nonresident pharmacies receiving appropriate consultation?
- Does the board need to treat mail order pharmacies and nonresident pharmacies differently if they both ship medication to patients?
- Should the board promulgate regulations for nonresident pharmacies consistent with the provisions of Business and Professions Code section 4112? Specifically, subsection (h):

(h) The board shall adopt regulations that apply the same requirements or standards for oral consultation to a nonresident pharmacy that operates pursuant to this section and ships, mails, or delivers any controlled substances, dangerous drugs, or dangerous devices to residents of this state, as are applied to an in-state pharmacy that operates pursuant to Section 4037 when the pharmacy ships, mails, or delivers any controlled substances, dangerous drugs, or dangerous devices to residents of this state. The board shall not adopt any regulations that require face-to-face consultation for a prescription that is shipped, mailed, or delivered to the patient. The regulations adopted pursuant to this subdivision shall not result in any unnecessary delay in patients receiving their medication.

**Attachment 4** contains copies of relevant law (16 CCR 1707.2 and B&P Code 4112).

The board periodically receives complaints from patients involving medication received via mail delivery. One of the common complaints is failure to be able to speak with a pharmacist. Another is delays in therapy.

Possible options to resolve these problems could include strengthening current requirements or developing new requirements. Requirements for the committee to consider include:

- For patient consultation, perhaps for first-time fills, an appointment is scheduled by the patient with a pharmacist.
- Notification about the availability of translation services via phone and how to access the services.
- Ability to reach a pharmacist when specifically requested by a patient, bypassing consumer services representatives who typically handle these calls.
- Notification to California patients that complaints involving the pharmacy, excluding the costs of the medication, can be provided to the California Board of Pharmacy.

## 7. Update on Implementation of Board-Provided Law and Ethics Continuing Education Courses

Effective July 1, 2019, all pharmacists renewing their licenses must have obtained at least two hours of continuing education on pharmacy law and ethics. The specific requirement is:

### §1732.5 Renewal Requirements for Pharmacists

(a) Except as provided in Section 4234 of the Business and Professions Code and Section 1732.6 of this Division, each applicant for renewal of a pharmacist license shall submit proof satisfactory to the board, that the applicant has completed 30 hours of continuing education in the prior 24 months.

(b) At least two (2) of the thirty (30) hours required for pharmacist license renewal shall be completed by participation in a Board provided CE course in Law and Ethics. Pharmacists renewing their licenses which expire on or after July 1, 2019, shall be subject to the requirements of this subdivision.

(c) All pharmacists shall retain their certificates of completion for four (4) years following completion of a continuing education course.

Staff has begun work on a webinar that pharmacists can complete to comply with section 1732.5(b). The webinar will highlight new pharmacy law taking effect 1/1/18. Board President Gutierrez will provide a brief introduction and welcome to pharmacists. The executive officer will provide the presentation of new laws and ethics.

Board staff anticipates that the webinar will be completed by the end of March.

## 8. Future Committee Meeting Dates

Provided below are Licensing Committee meeting dates through the remainder of 2018:

- April 19, 2018
- June 26, 2018
- September 26, 2018

# **Attachment 1**

**Proposed BPC 4038.6 (Definition)**

“Advanced Hospital Pharmacy Technician” means an individual licensed by the board who is authorized to perform technical pharmacy tasks as authorized in Section 4115.7.

**Proposed 4115.7 (Specified Duties)**

- (a) In a hospital pharmacy, a licensed advanced hospital pharmacy technician may perform the nondiscretionary tasks authorized in Section 4115 in addition to the following technical tasks:
- (b) A hospital pharmacy as referenced in subdivision (a) may use the services of an advanced hospital pharmacy technician if all the following conditions are met:

**Proposed BCP 4211.1 (Licensing Requirement)**

- (a) The board may issue an advanced hospital pharmacy technician license to an individual who meets all the following requirements:
  - (1) Holds an active pharmacy technician license issued pursuant to this chapter that is in good standing,
  - (2) Possesses a certification issued by a pharmacy technician certifying program as defined in Section 4202(a)(4).
  - (3) Has obtained a minimum of an associate’s degree in pharmacy technology, obtained a bachelor’s degree, or higher or completed a board-approved training program.
  - (4) Has obtained 3,000 hours of experience performing the duties of a licensed pharmacy technician in a hospital pharmacy.
  - (5) Has passed an advanced pharmacy technician examination.
- (b) As an alternative to the requirements in subdivision (a), the applicant has graduated from a school of pharmacy recognized by the board.
- (c) A license issued pursuant to this section shall be valid for two years.
- (d) Each person, upon application for licensure, shall pay to the executive officer of the board the fees provided by this chapter. The fees shall be compensation to the board for investigation or examination of the applicant.

**Proposed 4115.7 (Specified Duties)**

- (a) In a hospital pharmacy, licensed advanced hospital pharmacy technician may perform the nondiscretionary tasks authorized in Section 4115 in addition to the following technical tasks under the general direction of a pharmacist:
  - (1) Package emergency supplies for use in the health care facility.
  - (2) Seal emergency containers for use in health care facility.
  - (3) Prepare and seal drug kits for use in the health care facility.
  - (4) Perform unit inspections of the drug supplies stored throughout the health care facility. Irregularities shall be reported within 24 hours to the pharmacist-in-charge and the director or chief executive officer of the health facility in accordance with the health care facility’s policies and procedures.
  - (5) Verify the accuracy of a pharmacy technician’s filling of floor and ward stock and unit dose distribution systems for hospital orders that have been previously reviewed and approved by a licensed pharmacist
- (b) A hospital pharmacy may use the services of an advanced hospital pharmacy technician if all of the following conditions are met:
  - (1) The duties authorized in (a) are performed under general direction of a pharmacist and are specified in the hospital pharmacy’s policies and procedures
  - (2) The pharmacist-in-charge is responsible for ongoing evaluation of the performance of personnel as authorized in subdivision (a).

**Proposed BPC 4234.5 (CE/Renewal Requirement)**

An advanced hospital pharmacy technician shall complete 20 hours of continuing education each renewal cycle. A licensee must also maintain certification as specified in Section 4211.1 (a)(2).

**Yet to be determined is the fee.**

# **Attachment 2**



**Business and Professions Code Section 4132(a)**

**4132(a)** In addition to the requirements of Section 4202, a pharmacy technician working at a remote dispensing site pharmacy shall meet the qualifications promulgated by the board. The regulations developed by the board shall only apply to pharmacy technicians working at remote dispensing sites.

# **Attachment 3**

Proposal to Amend Title 16, California Code of Regulations as follows:

## § 1706.2. Abandonment of Application

(a) An applicant for a premises license ~~to conduct a pharmacy, non-resident pharmacy, sterile injectable compounding pharmacy, wholesaler, out-of-state distributor, clinic, veterinary food animal drug retailer, or to furnish hypodermic needles and syringes~~ who fails to complete all application requirements within 60 days after being notified by the board of deficiencies in his, her or its file, may be deemed to have abandoned the application and may be required to file a new application and meet all of the requirements in effect at the time of reapplication.

~~(b) An applicant for a pharmacy technician license or a designated representative license who fails to complete all application requirements within 60 days after being notified by the board of deficiencies in his or her file, may be deemed to have abandoned the application and may be required to file a new application and meet all of the requirements which are in effect at the time of reapplication.~~

~~(be)~~ An applicant who fails to pay the fee for licensure as a pharmacist required by subdivision (f) of section 1749 of this Division within 12 months after being notified by the board of his or her eligibility be deemed to have abandoned the application and must file a new application and be in compliance with the requirements in effect at the time of reapplication.

~~(cd)~~ An applicant to take the pharmacist licensure examinations who fails to take the examinations within 12 months of being deemed eligible, shall be deemed to have abandoned the application and must file a new application in compliance with all of the requirements in effect at the time of reapplication.

~~(de)~~ An applicant for an intern pharmacist license who fails to complete all application requirements within one year after being notified by the board of deficiencies in his or her file, may be deemed to have abandoned the application and may be required to file a new application and meet all of the requirements which are in effect at the time of reapplication.

~~(e) An applicant for an individual license not included in subdivision (b), (c), or (d), who fails to complete all application requirements within 60 days after being notified by the board of deficiencies in his or her file, may be deemed to have abandoned the application and may be required to file a new application and meet all of the requirements which are in effect at the time of reapplication.~~

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4022.5, 4029, 4030, 4034, 4034.5, 4037, 4041, 4042, 4043, 4044.3, 4045, 4053, 4110, 4112, 4115, 4120, 4127.1, 4127.5, 4141, 4160, 4161, 4180, 4190, 4200, 4201, 4202, 4202.5, 4203, 4203.5, 4204, 4205, and 4208, and 4210, Business and Professions Code.

# **Attachment 4**

## **Excerpt from the July 2017 Board Meeting Minutes**

### Discussion and Consideration of Pharmacist Consultation in Various Pharmacy Settings

Chairperson Weisser explained that CCR Section 1707.2 establishes the requirements for patient consultation including the conditions when such consultation must occur. Further, this section provides that when a patient or a patient's agent is not present in a pharmacy to receive consultation, the patient shall receive written notice of the patient's right to request consultation and a telephone number from which the patient may obtain oral consultation from a pharmacist who has ready access to the patient's record.

Chairperson Weisser stated that CCR Section 1713 provides the authority for a pharmacy to use an automated drug delivery system (ADDS) under specified condition and subsection (d)(5) establishes the requirement for such a pharmacy using an automated drug delivery system to provide an immediate consultation with a pharmacist, either in-person or via telephone, upon the require of a patient.

Chairperson Weisser explained that BPC Section 4112(h) requires the board to adopt regulations that apply the same requirements or standards for oral consultation to a nonresident pharmacy that dispenses medications to Californians consistent with the consultation requirements established for mail order pharmacies located within California. He noted that the board does not currently have such regulations.

Chairperson Weisser stated that the board has frequently discussed the benefits of patient consultation as an important component of consumer protection and has expressed some frustration with what appears to be a lack of consultation.

Chairperson Weisser reported that during the April 2017 Pharmacy Technician Summit, the committee discussed changes in duties performed by pharmacy technicians in various settings. The committee discussed whether expanding pharmacy technician duties to include more responsibilities while under the supervision of a pharmacist would allow pharmacists to provide more patient care services, including drug utilization review, patient profile review and patient consultation. He added that as part of the discussion, the committee considered various settings including traditional community pharmacy, mail order and closed door pharmacy, inpatient, and other specialty pharmacy settings.

Chairperson Weisser stated that the committee was provided a summary of the workflow in Iowa's tech-check-tech pilot, where the pharmacist is involved at the first level interaction with the patient, performing the data and review prior to printing the label, and providing the final consultation. The committee was also presented with the pharmacist involvement for call-in prescriptions in Idaho. It was explained that in Idaho, the pharmacist would be at the DUR and PU1 station verifying the data entry. Chairperson Weisser added that in regard to patient consultation there is a toll-free number that patients may call.

Chairperson Weisser reported that the committee also discusses mail order pharmacies and staff suggested the need to broaden consultation requirements for mail order pharmacies, noting that consumer complaints surrounding mail order pharmacies involve allegations of delays in therapies because the patient is unable to reach a pharmacist. The committee also heard that medication reconciliation is performed in the mail order pharmacy setting by the pharmacy benefit managers

who have access to patient records and would highlight if there was duplication in therapy. Chairperson Weisser reported that during its meeting the committee noted that currently pharmacies are often structured and staffed so that the pharmacist is in the back of the pharmacy, and at the front of the pharmacy, interacting with patients, are the pharmacy technicians and cashiers. This is efficient for the cashiering functions, but it interrupts the flow of the pharmacy with respect to patient consultation. Chairperson Weisser explained that this service, and the important drug utilization review, must be performed by the pharmacist and are critical for patient care.

Chairperson Weisser stated that the committee discussed the idea that if pharmacy technicians were to be trained and/or qualified to perform tech-check-tech, to handle insurance functions and perhaps function under a somewhat different ratio, the pharmacist could move forward within the pharmacy to provide more interaction with and services directly to patients. This would also allow pharmacists to perform patient-care functions authorized by protocol (immunizations, naloxone, etc.) or under protocol with primary care providers either as a pharmacist or advanced practice pharmacist. Chairperson Weisser noted that cashiering functions could still be performed by non-pharmacist staff, but the actual handling of the medication could occur by the pharmacist following DUR and during consultation. Chairperson Weisser stated that not all pharmacists may prefer to organize their pharmacies under such a model, but it would permit a pharmacist who does so to focus on the duties he or she is most qualified to perform. Chairperson Weisser also stated that it could also foster the board's long-term goal of increased rates of patient consultation.

Chairperson Weisser reported that as part of its discussion, the committee considered the following questions:

1. Are the requirements currently established in CCR 1707.2 appropriate or is revision necessary?
2. Should changes at the transactional level be considered to ensure pharmacist engagement with patients in the dispensing process?
3. Is the current requirement for a mail order pharmacy sufficient to ensure patients have access to a pharmacist for consultation?
4. Should the board promulgate regulations for nonresident pharmacies consistent with the provisions of BPC 4112?
5. Are the current requirements for the use of an ADDS system sufficient to ensure patients have access to a pharmacist for patient consultation?
6. Do patients discharged from a hospital given sufficient information about their medication by either a pharmacist or registered nurse?

Chairperson Weisser reported that the committee requested that board staff evaluate the committee's discussion and bring this item back for further discussion including how best to incorporate the purpose of the medication and improve access to patient consultation for patients receiving their medication through mail order pharmacies.

Board member Wong asked if labeling requirements are same for mail order pharmacies are retail pharmacies. Ms. Herold responded that all prescriptions written for California patients must follow the patient-center labeling requirements. She added that the board may need to discuss how mail order patients are notified that they have the right to request translations.

Board member Lippe asked why mail order prescriptions are often offered at a cheaper price. President Gutierrez stated that mail order pharmacies can use large scale automation and purchase

their drugs in bulk at a cheaper price.

Dr. Wong stated that the Communication and Public Education Committee should discuss how mail order patients can be notified that they have the right to translation services.

Laura Freedman, DCA legal counsel, recommended that the board consider agendaing this discussion for a future meeting.

A pharmacist commented that mail order patients often do not receive appropriate consultations which can result in serious health problems.

Dennis McAllister, representing Express Scripts, recommended that the board work with stakeholders to address concerns with mail order pharmacies. He added that Express Scripts handles approximately 100 million prescriptions per year. Mr. McAllister explained that one of the benefits of mail order pharmacies through Express Scripts is that pharmacists are available to speak with patients 24/7. Mr. McAllister stated that they meet all state laws for translation services. He also stated that studies have shown that mail order patients have lower emergency room admission rates. Ms. McAllister stated that there may be bad mail order pharmacies, but the board should handle them rather than make requirements that apply to all mail order pharmacies.

Chairperson Weisser stated that the board has seen that many California patients do not have adequate access to pharmacists both in the community and mail order settings.

Mr. Law asked how many pharmacy technicians work at mail order pharmacies. Mr. McAllister stated that he did not have an answer to this question.

President Gutierrez asked if the majority of mail order prescriptions are new or refill prescriptions. Mr. McAllister responded that the majority of Express Scripts prescriptions are for refills.

Robert Stein from KGI School of Pharmacy, expressed concern that mail order patients may not know that they have the right to request translation services and encouraged the board to discuss this at a future meeting. Dr. Wong again stated that the Communication and Public Education Committee should handle this item.

A member of the public asked how expanding the role of technicians will help pharmacists provide consultations. Mr. Lippe responded that the intent is to allow pharmacists to have more time to provide consultations by allowing technicians to take over some of the duties currently being performed by pharmacists, the technician would not be the one providing the consultations. The commenter stated that California technicians already are allowed to perform more duties than in other states and asked what other duties the board wanted to give technicians. Chairperson Weisser responded that expanded technician duties are currently being discussed by the Licensing Committee and encouraged the person to attend the meetings to provide input.

**16 CCR 1707.2.**

(a) A pharmacist shall provide oral consultation to his or her patient or the patient's agent in all care settings:

- (1) upon request; or
- (2) whenever the pharmacist deems it warranted in the exercise of his or her professional judgment.

(b)(1) In addition to the obligation to consult set forth in subsection (a), a pharmacist shall provide oral consultation to his or her patient or the patient's agent in any care setting in which the patient or agent is present:

- (A) whenever the prescription drug has not previously been dispensed to a patient; or
- (B) whenever a prescription drug not previously dispensed to a patient in the same dosage form, strength or with the same written directions, is dispensed by the pharmacy.

(2) When the patient or agent is not present (including but not limited to a prescription drug that was shipped by mail) a pharmacy shall ensure that the patient receives written notice:

- (A) of his or her right to request consultation; and
- (B) a telephone number from which the patient may obtain oral consultation from a pharmacist who has ready access to the patient's record.

(3) A pharmacist is not required by this subsection to provide oral consultation to an inpatient of a health care facility licensed pursuant to section 1250 of the Health and Safety Code, or to an inmate of an adult correctional facility or a juvenile detention facility, except upon the patient's discharge. A pharmacist is not obligated to consult about discharge medications if a health facility licensed pursuant to subdivision (a) or (b) of Health and Safety Code Section 1250 has implemented a written policy about discharge medications which meets the requirements of Business and Professions Code Section 4074.

(c) When oral consultation is provided, it shall include at least the following:

- (1) directions for use and storage and the importance of compliance with directions; and
- (2) precautions and relevant warnings, including common severe side or adverse effects or interactions that may be encountered.



(d) Whenever a pharmacist deems it warranted in the exercise of his or her professional judgment, oral consultation shall also include:

- (1) the name and description of the medication;
- (2) the route of administration, dosage form, dosage, and duration of drug therapy;
- (3) any special directions for use and storage;
- (4) precautions for preparation and administration by the patient, including techniques for self-monitoring drug therapy;
- (5) prescription refill information;
- (6) therapeutic contraindications, avoidance of common severe side or adverse effects or known interactions, including serious potential interactions with known nonprescription medications and therapeutic contraindications and the action required if such side or adverse effects or interactions or therapeutic contraindications are present or occur;
- (7) action to be taken in the event of a missed dose.

(e) Notwithstanding the requirements set forth in subsection (a) and (b), a pharmacist is not required to provide oral consultation when a patient or the patient's agent refuses such consultation.

Authority cited: Sections 4005, 4076 and 4122, Business and Professions Code.  
Reference: Sections 4005, 4076 and 4122, Business and Professions Code.

**State of California**

**BUSINESS AND PROFESSIONS CODE**

**Section 4112**

---

4112. (a) Any pharmacy located outside this state that ships, mails, or delivers, in any manner, controlled substances, dangerous drugs, or dangerous devices into this state shall be considered a nonresident pharmacy.

(b) A person may not act as a nonresident pharmacy unless he or she has obtained a license from the board. The board may register a nonresident pharmacy that is organized as a limited liability company in the state in which it is licensed.

(c) A nonresident pharmacy shall disclose to the board the location, names, and titles of (1) its agent for service of process in this state, (2) all principal corporate officers, if any, (3) all general partners, if any, and (4) all pharmacists who are dispensing controlled substances, dangerous drugs, or dangerous devices to residents of this state. A report containing this information shall be made on an annual basis and within 30 days after any change of office, corporate officer, partner, or pharmacist.

(d) All nonresident pharmacies shall comply with all lawful directions and requests for information from the regulatory or licensing agency of the state in which it is licensed as well as with all requests for information made by the board pursuant to this section. The nonresident pharmacy shall maintain, at all times, a valid unexpired license, permit, or registration to conduct the pharmacy in compliance with the laws of the state in which it is a resident. As a prerequisite to registering with the board, the nonresident pharmacy shall submit a copy of the most recent inspection report resulting from an inspection conducted by the regulatory or licensing agency of the state in which it is located.

(e) All nonresident pharmacies shall maintain records of controlled substances, dangerous drugs, or dangerous devices dispensed to patients in this state so that the records are readily retrievable from the records of other drugs dispensed.

(f) Any pharmacy subject to this section shall, during its regular hours of operation, but not less than six days per week, and for a minimum of 40 hours per week, provide a toll-free telephone service to facilitate communication between patients in this state and a pharmacist at the pharmacy who has access to the patient's records. This toll-free telephone number shall be disclosed on a label affixed to each container of drugs dispensed to patients in this state.

(g) A nonresident pharmacy shall not permit a pharmacist whose license has been revoked by the board to manufacture, compound, furnish, sell, dispense, or initiate the prescription of a dangerous drug or dangerous device, or to provide any pharmacy-related service, to a person residing in California.

(h) The board shall adopt regulations that apply the same requirements or standards for oral consultation to a nonresident pharmacy that operates pursuant to this section

and ships, mails, or delivers any controlled substances, dangerous drugs, or dangerous devices to residents of this state, as are applied to an in-state pharmacy that operates pursuant to Section 4037 when the pharmacy ships, mails, or delivers any controlled substances, dangerous drugs, or dangerous devices to residents of this state. The board shall not adopt any regulations that require face-to-face consultation for a prescription that is shipped, mailed, or delivered to the patient. The regulations adopted pursuant to this subdivision shall not result in any unnecessary delay in patients receiving their medication.

(i) The registration fee shall be the fee specified in subdivision (a) of Section 4400.

(j) The registration requirements of this section shall apply only to a nonresident pharmacy that ships, mails, or delivers controlled substances, dangerous drugs, and dangerous devices into this state pursuant to a prescription.

(k) Nothing in this section shall be construed to authorize the dispensing of contact lenses by nonresident pharmacists except as provided by Section 4124.

(Amended by Stats. 2011, Ch. 646, Sec. 3. (SB 431) Effective January 1, 2012.)