

10/24/2019

The Honorable Gregory Lippe
President, Board of Pharmacy
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833

Re: SB 1442: Support Adoption of Regulations with Board of Pharmacy Amendments

Dear President Lippe,

My name is _____ and I support the SB 1442 petition as adopted at the Board of Pharmacy meeting on July 25, 2019. I am a pharmacist at _____ in _____ and have been a practicing pharmacist for ____ years.

Senate Bill 1442, signed by Governor Brown in 2018, prohibits a community pharmacy from requiring a pharmacist to engage in the practice of pharmacy at any time the pharmacy is open to the public unless an employee of the establishment within which the pharmacy is located is made available to assist the pharmacist at all times. Simply, the law requires that pharmacist not be left alone entirely alone when working in the retail setting.

However, since the law became effective January 01, 2019, community pharmacies have not implemented Senate Bill 1442 and are clearly violating the law. United Food and Commercial Workers (UFCW) Western States Council has put forward a petition for rulemaking to ensure uniform and consistent implementation of Business and Professions Code Section 4113.5 at community pharmacies.

I strongly support the recommended proposals by the Board of Pharmacy and adopted regulations for rulemaking in their entirety. The proposed regulations further the intentions of Senate Bill 1442 and add additional clarity for uniform implementation and enforcement.

I urge the Board of Pharmacy members to support the proposed regulations, as is, and make no further changes.

Sincerely,

Name

Title

City,

Zip Code

Proposed new regulation, to read:

Section 1714.3, Community Pharmacy Staffing

This section applies to a community pharmacy that is required to comply with Business and Professions Code section 4113.5.

(a) When a pharmacy is open to the public and a pharmacist is working without another pharmacy employee, the pharmacy must make another person available to assist a pharmacist.

The pharmacy must:

- (1) Designate the names of one or more persons who will be available to assist the pharmacist;
- (2) Determine that each designated person is able, at a minimum, to perform the duties of non-licensed pharmacy personnel as specified in section 1793.3;
- (3) Determine that each designated person qualifies to access to controlled substances by conducting a background check on each person that is consistent with federal requirements for pharmacy employees with such access;
- (4) Ensure that a designated person responds and is able to assist the pharmacist within five minutes after the pharmacist's request.

(b) A pharmacy must have and maintain policies and procedures that addresses the following:

- (1) The required criteria and training for a designated person, which shall be consistent with subsection (a).
- (2) The process for the pharmacist to request assistance and to document the response time between the request and arrival of the designated person at the pharmacy.
- (3) All impacted pharmacy employees and designated persons must read and sign a copy of the policies and procedures required by this section.

(c) The pharmacy must maintain the policies and procedures in the pharmacy premises in a readily retrievable format.