



California State Board of Pharmacy

1625 N. Market Blvd, N219, Sacramento, CA 95834

Phone: (916) 574-7900

Fax: (916) 574-8618

www.pharmacy.ca.gov

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

GOVERNOR EDMUND G. BROWN JR.

To: Board Members

Subject: Agenda Item IX. Discussion and Consideration of Proposed Regulations to Amend Title 16 California Code of Regulations (CCR) section 1703, Related to Delegation of Certain Functions

Attachment 1

Background:

At the October 2013 Board Meeting, the board approved proposed text delegate to the executive officer the authority to adopt regulation changes that are deemed to be “without regulatory effect” in accordance with Title 1 CCR Section 100.

At the February 2016 Board Meeting, the board approved proposed text to delegate to the executive officer the authority to approve prescription label waivers in accordance with Business and Professions Code section 4076.5(d).

The 45-day comment period began on April 22, 2016 and ended June 6, 2016.

The Board received one comment during the 45-day comment period.

At this Meeting

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

1. Adopt the regulation as approved at the February 2016 Board Meeting and noticed for 45-day comment on April 22, 2016.
2. Amend the regulation to address the concerns expressed by stakeholders and notice the modified text for a 15-day comment period.

The **Attachment** contains:

1. The comment received during the 45-day comment period.
2. The initial proposed text as noticed for 45-day comment on April 22, 2016.

Staff Recommendation: Adopt the regulatory language as noticed on April 22, 2016, and delegate to the executive officer the authority to make technical or non-substantive changes as may be required by Office of Administrative Law or the Department of Consumer Affairs to complete the rulemaking file.

Attachment 1

Delegation of Certain Function

45-Day Comments

Comment Period

Closed June 6, 2016

Martinez, Lori@DCA

From: Mathis Abrams, M.D., J.D. <Dr.Mathis@Abrams.tv>
Sent: Thursday, June 02, 2016 10:23 AM
To: Martinez, Lori@DCA
Subject: corrections

Please note that on the following page:
Initial Statement of Reasons 16 CCR Section 1703 Page 2 of 5
as posted (via http://www.pharmacy.ca.gov/laws_regs/regulations.shtml)

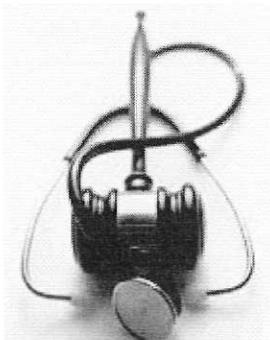
grammatical errors on line 2 of the page: “lesson” should be “lessen” and “agenda” should be “agendas”. (Just FYI: Though “agenda” is the plural form in the original Latin of the singular “agendum,” in common English usage “agenda” is singular and the plural is “agendas”.)

Also, in the last paragraph of that page, line 1, the last word, “the” should be deleted.

Mathis Abrams, M.D., J.D.
6404 Wilshire Blvd., Suite 860
Los Angeles, CA 90048-5505

phone/fax: 323 • 655-4233
eMail: <Dr.Mathis@Abrams.tv>

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R14.0715

Delegation of Certain Functions

Initial Proposed Text

Title 16. Board of Pharmacy

PROPOSED LANGUAGE

Amend Section 1703 of Article 1 of Division 17 of Title 16 of the California Code of Regulations to read:

§ 1703. Delegation of Certain Functions.

The power and discretion conferred by law upon the board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; set and calendar cases for hearing and perform other functions necessary to the business-like dispatch of the business of the board in connection with proceedings under the provisions of Sections 11500 through 11528 of the Government Code, prior to the hearing of such proceedings; the certification and delivery or mailing of copies of decisions under Section 11518 of said code; ~~and~~ issue summary suspension orders or notices of suspension under Section 4311 of the Business and Professions Code; make changes to its regulations without regulatory effect pursuant to Title 1, California Code of Regulations Section 100; and approve waivers pursuant to Section 4076.5(e) are hereby delegated to and conferred upon the executive officer, or, in his or her absence from the office of the board, the acting executive officer.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4003, 4076.5 and 4311, Business and Professions Code.