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



**To: Board Members**

**Subject: Agenda Item VIII Discussion of Implementation of Requirements of AB 2194 (Ward, Chapter 958, Statutes of 2022) related to Continuing Education and Cultural Competency**

**Relevant Law**

[Business and Professions Code section 4202](#) establishes the licensure requirements for a pharmacy technician. Effective January 1, 2024, BPC section 4202 is amended to prohibit the Board from renewing a pharmacy technician license unless the pharmacy technician submits proof satisfactory to the Board that they have successfully completed at least one hour of participation in a “cultural competency course” (as defined in BPC section 4231) during the two years preceding the application for renewal.

[BPC section 4231](#) generally establishes the continuing education (CE) renewal requirements for pharmacists. Effective January 1, 2024, BPC section 4231 is amended to prohibit the Board from renewing a pharmacist license unless the pharmacist submits proof satisfactory to the Board that they have successfully completed 30 hours of approved courses of continuing pharmacy education, including at least one hour of participation in a “cultural competency course,” during the two years preceding the application for renewal. BPC section 4231, as operative on January 1, 2024, defines a “cultural competency course” as a cultural competency and humility course that meets stated criteria, including that the course focuses on patients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, or queer, or who question their sexual orientation or gender identity and expression.

[California Code of Regulations, title 16, section 1732.5](#) further establishes the CE renewal requirements for pharmacists.

[BPC sections 700-704](#) generally authorize healing arts boards to issue inactive licenses.

BPC section 704 generally provides that the holder of an inactive healing arts license must pay a fee to restore their license to active status.

## **Background**

The cultural competency CE requirements that become operative on January 1, 2024, as described above, were enacted by [Assembly Bill 2194](#) (Ward, Chapter 958, Statutes of 2022). To facilitate implementation of AB 2194, as part of the February 2023 Board meeting, the Board approved regulation text to amend California Code of Regulations, title 16, section 1732.5, and add California Code of Regulations, title 16, section 1732.8. As proposed, the regulatory proposal would amend section 1732.5 to, among other changes, add the new cultural competency CE requirement for pharmacists.

Further, as proposed, new section 1732.8 would be added to implement the statutory requirement that, beginning January 1, 2024, pharmacy technicians complete at least one hour of CE in a cultural competency course as a condition of license renewal. As proposed, new section 1732.8 would also specify that if an applicant for renewal of a pharmacy technician license fails to submit proof satisfactory to the Board that they have completed the cultural competency course as required, the Board shall not renew the license and shall issue the applicant an inactive pharmacy technician license.

Following approval by the Board, staff submitted the rulemaking package to the Department of Consumer Affairs on June 30, 2023, for pre-notice review. Unfortunately, the formal rulemaking process has not yet been initiated. Given the time that has elapsed, and the required public comment periods established in the Government Code, it is unlikely the proposed regulations will be in effect by the end of January, when impacted licensees will be required to comply with the new cultural competency CE provisions.

## **For Member Consideration and Discussion**

As the regulations are not yet finalized, staff is offering recommendations for Board consideration on some implementation activities specifically related to the CE requirements for pharmacy technicians. As noted above, the language of BPC section 4202, as operative on January 1, 2024, explicitly prohibits renewal of a pharmacy technician license unless the applicant submits proof satisfactory to the Board that the applicant has successfully completed at least one hour of participation in a cultural competency course during the two years preceding the application for renewal. In general, when a licensee fails to timely complete all conditions of renewal, the license will go into a delinquent status, and become subject to cancellation if the outstanding issues are not timely resolved.

1. BPC section 4202, as operative on January 1, 2024, establishes the cultural competency CE requirement for pharmacy technicians but does not expressly establish provisions for an inactive pharmacy technician license if the licensee fails to satisfy the CE requirement. The proposed regulation to add section 1732.8 to title 16, California Code of Regulations, would explicitly establish this process. Staff recommends that, during the period between January 1 and when the new regulations become effective, if a pharmacy technician submits a renewal application but fails to satisfy the CE requirement, the Board place the license on an inactive status. This approach is consistent with BPC sections 700-704, and consistent with the policy direction the Board established in the text proposed for addition as subdivision (b) of California Code of Regulations, title 16, section 1732.8. This approach will also minimize potential negative impacts to pharmacy technicians who fail to satisfy the CE requirement upon applying for renewal.
2. The text proposed for addition as subdivision (c) of California Code of Regulations, title 16, section 1732.8 would establish a process for reactivation of a pharmacy technician license that includes submission of a fee. Staff recommends that, during the period between January 1 and when the new regulations become effective, the Board proceed to collect the reactivation fee. This approach is consistent with BPC sections 700-704, and consistent with the policy direction the Board established in the proposed regulatory text.

Given the delay in the regulations, staff believe it is important to focus on achieving compliance during this transition period and intend to provide a limited period of time to demonstrate compliance before action is taken on the license.