

Emergency Declaration Related to Statewide Fires – August 18, 2020

Gov. Gavin Newsom declared a [state of emergency in California](#) on August 18, 2020, because of fires burning statewide.

During a declared state of emergency, the California State Board of Pharmacy reminds pharmacies of information and state laws intended to help pharmacists provide prescription drugs – including controlled substances – for residents displaced because of emergency evacuation.

Pursuant to California Business and Professions Code (BPC) [section 4062\(b\)](#), the Board permits pharmacies to provide care by waiving requirements that may be impossible to meet during an emergency – including requirements for prescription forms, record-keeping, labeling, and other standard pharmacy practices and duties. Pharmacists should document “**dispensed pursuant to BPC 4062(b)**” on the prescription form in case of audit by the Board or an insurance company.

In addition, BPC [section 4064](#) authorizes pharmacists to use professional judgment to refill a prescription for a dangerous drug or device without a prescriber’s authorization if failure to refill the prescription might interrupt ongoing care or have a significant adverse impact on the patient’s well-being.

The Board’s formal policy for filling prescriptions during an emergency is spelled out in “[Board Policy Statement: Disaster Response](#)” on the Board’s website. To read the statement, go to www.pharmacy.ca.gov > About Us > Board Information > Policy Statements > Disaster Response.

Additional resources:

- **Ask an Inspector:** For questions, contact the Board’s Ask an Inspector program by phone at (916) 518-3100, by fax at (916) 574-8618, or by email at inspector@dca.ca.gov. A duty inspector is available by phone from 9 a.m. to 1 p.m. Monday through Thursday and by email or fax during regular business hours Monday through Friday.
- **Subscriber alerts:** The Board will distribute important information to licensees during an emergency via subscriber alerts. Pharmacies and individual licensees are required to register their email addresses to receive notifications. You may register online at the [Board of Pharmacy Email Registration webpage](#).
- **Pharmacy Law:** Below is the full text of BPC sections 4062 and 4064. A link to the complete [2020 Lawbook for Pharmacy](#) can be found on the Board’s website in the “Quick Hits” column on the homepage.

Section 4062. Furnishing Dangerous Drugs during Emergency; Mobile Pharmacy

(a) Notwithstanding Section 4059 or any other provision of law, a pharmacist may, in good faith, furnish a dangerous drug or dangerous device in reasonable quantities without a prescription during a federal, state, or local emergency, to further the health and safety of the public. A record containing the date, name, and address of the person to whom the drug or

device is furnished, and the name, strength, and quantity of the drug or device furnished shall be maintained. The pharmacist shall communicate this information to the patient's attending physician as soon as possible. Notwithstanding Section 4060 or any other provision of law, a person may possess a dangerous drug or dangerous device furnished without prescription pursuant to this section.

(b) During a declared federal, state, or local emergency, the board may waive application of any provisions of this chapter or the regulations adopted pursuant to it if, in the board's opinion, the waiver will aid in the protection of public health or the provision of patient care.

(c) During a declared federal, state, or local emergency, the board shall allow for the employment of a mobile pharmacy in impacted areas in order to ensure the continuity of patient care, if all of the following conditions are met:

- (1) The mobile pharmacy shares common ownership with at least one currently licensed pharmacy in good standing.
- (2) The mobile pharmacy retains records of dispensing, as required by subdivision (a).
- (3) A licensed pharmacist is on the premises and the mobile pharmacy is under the control and management of a pharmacist while the drugs are being dispensed.
- (4) Reasonable security measures are taken to safeguard the drug supply maintained in the mobile pharmacy.
- (5) The mobile pharmacy is located within the declared emergency area or affected areas.
- (6) The mobile pharmacy ceases the provision of services within 48 hours following the termination of the declared emergency.

Section 4064. Emergency Refill of Prescription without Prescriber Authorization

(a) A prescription for a dangerous drug or dangerous device may be refilled without the prescriber's authorization if the prescriber is unavailable to authorize the refill and if, in the pharmacist's professional judgment, failure to refill the prescription might interrupt the patient's ongoing care and have a significant adverse effect on the patient's well-being.

(b) The pharmacist shall inform the patient that the prescription was refilled pursuant to this section.

(c) The pharmacist shall inform the prescriber within a reasonable period of time of any refills dispensed pursuant to this section.

(d) Prior to refilling a prescription pursuant to this section, the pharmacist shall make every reasonable effort to contact the prescriber. The pharmacist shall make an appropriate record, including the basis for proceeding under this section.

(e) The prescriber shall not incur any liability as the result of a refilling of a prescription pursuant to this section.

(f) Notwithstanding Section 4060 or any other law, a person may possess a dangerous drug or dangerous device furnished without prescription pursuant to this section.

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