



July 23, 2021

The Honorable Seung Oh  
President  
California State Board of Pharmacy  
2720 Gateway Oaks Dr., Ste 100  
Sacramento, CA 95833

Submitted via electronic mail to: Debbie Damoth, California State Board of Pharmacy

***RE: Board of Pharmacy Meeting Agenda Item VI(c) – Discussion and Consideration of Frequently Asked Questions Regarding Electronic Data Transmission Prescriptions***

Dear Dr. Oh:

Kaiser Permanente appreciates the opportunity to seek clarifications on the draft Frequently Asked Questions (FAQ) document related to electronic data transmission prescriptions that was developed by the Board’s Communication and Public Education Committee.

Kaiser Permanente comprises the non-profit Kaiser Foundation Health Plan, the non-profit Kaiser Foundation Hospitals; and the Permanente Medical Groups, self-governed physician group practices that exclusively contract with Kaiser Foundation Health Plan. These entities work together seamlessly to meet the health needs of Kaiser Permanente’s nine million members in California. Kaiser Permanente’s pharmacy enterprise in California is comprised of hundreds of licensed pharmacies that are staffed by thousands of individual pharmacy licentiates.

**Mechanism for “moving” electronic data transmission prescriptions between pharmacies**

California Business and Professions Code section 688(g) establishes the requirement that a pharmacy must transfer or forward an electronic data transmission prescription that has not yet been dispensed to an alternative pharmacy designated by the patient or patient’s agent. Questions number four and five of the draft FAQ document address this requirement. California Business and Professions Code section 688(g) lists two different mechanisms for “moving” an electronic data transmission prescription—transferring and forwarding—between two pharmacies. We believe that it would be of benefit for the FAQ document to address the specific situations for which the two different mechanisms for “moving” an electronic data transmission prescription may be used. Specifically, we suggest that the FAQ document should clarify whether there are conditions under which current law would allow “moving” an electronic data transmission prescription to another pharmacy by way of a traditional verbal transfer as described in the California Code of Regulations section 1717(e). And alternatively, are there conditions under which moving the prescription must be accomplished by electronically forwarding it to another pharmacy, and a traditional verbal transfer would not be permitted under current law?

Kaiser Permanente appreciates the opportunity to provide feedback on the draft FAQ document related to electronic data transmission prescriptions. If you have questions, please contact John Gray (562.417.6417; john.p.gray@kp.org) or Rebecca Cupp (562.658.3501; rebecca.l.cupp@kp.org).



Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Gray", with a long, sweeping horizontal line extending to the right.

John P. Gray, PharmD, MSL  
Director, National Pharmacy Regulatory and Legislative Affairs  
Kaiser Permanente