



To: Board Members

Agenda Item III: Discussion and Consideration of Waiver of Pharmacy Law Provisions Consistent with the Authority in Business and Professions Code Section 4062 in Response to the State of Emergency Related to Monkeypox

a. Prescriber Dispensing of TPOXX Oral Antiviral Medication to Emergency Room Patient (BPC sections 4068(a)(1), 4068(a)(2), 4068(a)(6), 4076.5 and 4427(a))

Relevant Law

Pursuant to [Business and Professions Code \(BPC\) section 4062](#), the California State Board of Pharmacy (Board) has the authority to issue a waiver of Pharmacy Law or its regulations adopted pursuant to it, if in the Board's opinion, the waiver will aid in the protection of public health or the provisions of care.

Background

As established in the Board's administrative procedure manual, the Board has delegated to the Board President the authority to issue a waiver consistent with the provisions of BPC 4062 for up to 30 days.

On August 1, 2022, Governor Newsom declared a [state of emergency](#) to support the State's response to Monkeypox. Following this declaration, on August 3, 2022, President Oh, under his delegated authority, issued a [waiver](#) to allow for the dispensing of TPOXX oral antiviral medication to an emergency room patient under specified conditions. The waiver will expire on September 1, 2022, unless the Board takes action to extend it.

For Board Discussion and Consideration

During the meeting members will have the opportunity to consider the waiver issued by President Oh to determine if an extension of the waiver is appropriate.

Should the Board believe an extension of the waiver is appropriate, the following motion could be used to extend the waiver.

Possible Motion: Approve an extension of the waiver to allow for the dispensing of TPOXX oral antiviral medication to an emergency room patient under specified conditions until [insert date] or until [insert timeframe] days following end of the declared emergency, whichever is

[sooner/later].

b. Policy Granting President Discretion to Waive Provisions of Pharmacy Law related to the State of Emergency Declared for Monkeypox

For Board Discussion and Consideration

During the meeting members will have the opportunity to consider the Monkeypox public health emergency to determine if it wishes to delegate additional authority to the Board President to issue waivers beyond 30 days and/or authority to extend a waiver issued to ensure provisions of patient care or aid in the protection of public health.

Should the Board determine such action is appropriate, the following motion could be used to facilitate such delegation.

Possible Motion: Delegate authority to the President to approve waivers for up to [insert timeframe] days and to extend existing waivers for up to [insert timeframe] additional days.