

Attachment 1

**Modified text released for the 15-day
public comment period.**

**Department of Consumer Affairs
Title 16. Pharmacy**

**Modified Regulation Text
Remote Processing of Prescriptions**

Legend: Added text is indicated with an underline.

Modified changes made to the proposed regulation language are shown by ~~double strikethrough~~ for deleted language and double underline for added language.

Add section 1717.11 to Division 17 of Title 16 of the California Code of Regulations, to read as follows:

§1717.11. Remote Processing of Prescriptions.

- (a) A pharmacist located and licensed in the state may perform remote processing of prescriptions, from a location outside of a licensed facility, under the following conditions:
- (1) The pharmacy is responsible for ensuring all appropriate and necessary security and confidentiality provisions are in place, including compliance with HIPAA requirements, and specified in its policies and procedures.
 - (2) ~~The pharmacist has agreed to perform remote processing and designates the space to perform such processing in a written agreement with the pharmacy. Such space shall be open for inspection by the Board consistent with the provisions of Business and Professions Code section 4008.~~ The pharmacy and pharmacist enter a written agreement under which the pharmacist agrees to perform remote processing and designates a specific location or locations to perform such processing.
 - (3) The written agreement (including modifications) required in (a)(2) of this section shall be maintained, for at least three years following the pharmacist's employment, in a readily retrievable format and shall be available for inspection by the Board.
 - (4) The duties for remote processing of prescriptions shall be approved by the pharmacist-in-charge and specified in the pharmacy's policies and procedures.
 - (5) A pharmacy shall maintain a record of all the pharmacist's activities performed pursuant to this section.
 - (6) Records maintained pursuant to this section shall meet the same requirements as those described in Sections 4081 and 4105 of the Business and Professions Code.
- (b) For purposes of this section, "remote processing of prescriptions" does not include final product verification, supervision of pharmacy personnel, or the dispensing of a drug.
- (c) This section does not apply to facilities of the California Department of Corrections and Rehabilitation.

Note: Authority cited: Sections 4005 and 4036, Business and Professions Code.

Reference: Sections 4005, 4008, and 4036, Business and Professions Code.