



April 27, 2023

The Honorable Chris Holden
Chair, Assembly Appropriations Committee
1020 O Street, Room 8220
Sacramento, CA. 95814

RE: AB 1286 (Haney) – Pharmacy – OPPOSE UNLESS AMENDED

Dear Chairman Holden,

The California Community Pharmacy Coalition is opposed to AB 1286 (Haney) relative to pharmacy staffing, pharmacist-in-charge authority and medication error reporting. The bill as currently written will undermine patient access to pharmacy services and be detrimental to the health equity goals of California policymakers. CCPC's concerns with AB 1286 include the following:

Pharmacist-in-Charge authority to close a pharmacy will have a detrimental impact on patient access to their medications

AB 1286 gives a pharmacist the authority to close a pharmacy if that pharmacist feels, in their opinion, that staffing is insufficient to fill prescriptions or provide other health care services to patients. In addition, the bill would authorize the closure of a pharmacy by a pharmacist if there are that based on their professional judgment may create an unsafe environment for personal or pharmacy staff." This language is incredibly ambiguous and arbitrary and does not take into consideration the subjectivity of individual pharmacists or the implications of a pharmacy closure.

The bill, if passed, will result in unplanned and last minute pharmacy closures across the state, which will be hugely detrimental to Californians who rely on their community pharmacies for medications, testing, vaccines and other critical healthcare services. What if the pharmacy is located in a rural area and is the only place where a patient can access an emergency medication? If that pharmacy closes, that patient will be forced to go without their medication and potentially rely on the Emergency Department for care, which will cause a significant financial strain on our healthcare system. CCPC believes the pharmacist-in-charge's authority to shut down a pharmacy without any notice is antithetical to the Board's role of consumer protection because pharmacy closures will result in reduced access to critical medications for consumers.

Staffing floor requirements are too rigid and unrealistic

CCPC is concerned that AB 1286's requirement to establish a rigid staffing floor will have implications for patient access to pharmacy services. The bill requires a technician or clerk to be on site in the pharmacy at all times. It does not take into consideration unforeseen circumstances where a technician or clerk might call in sick to work or need to leave work early for an emergency.

Pharmacies determine staffing needs based on medication dispensing volume. If volume is low in stores during certain times during the day or night, sometimes a pharmacist might work on their own during less busy hours. Previous legislation – SB 1442 (Chapter 569, 2018) requires that a person be available in the retail store at all times to assist the pharmacist when needed. CCPC believes that this legislation assures that a pharmacist has the support they need.

Pharmacy technician ratio should be broadened and revised

While CCPC is supportive of the expansion of the pharmacy technician to pharmacist ratio in AB 1286 for purposes of pharmacy technician authority to vaccinate, we would like to see the ratio expanded to at least a 1:6 pharmacist to pharmacy technician ratio and to allow for more flexibility relative to the duties a pharmacy technician may perform. A ratio expansion is one of the most significant ways California can improve patient care, consumer safety and reduce workforce pressure in the pharmacy.

California has the most stringent pharmacist to pharmacy technician ratio in the nation with a required 1:1. This creates the situations that the proponents of AB 1286 want to avoid by restricting a pharmacy from employing any more than one pharmacy technician for every pharmacist. With this restrictive ratio, there is no cushion if a pharmacy technician calls in sick or needs to leave early for emergency reasons. A pharmacist/pharmacy has no flexibility to create a staffing environment that works best for patients' medication needs.

Medication Error reporting should not be restricted to one organization

While CCPC is supportive of the goal of AB 1286 to reduce medication errors, we do not believe that requiring medication errors to be reported to a single organization –under the Board of Pharmacy - is the appropriate solution. Instead, we believe pharmacies should have the option to report this information more broadly to any patient safety organization (PSOs).

This provision in particular will have a significant fiscal impact on the Board of Pharmacy. AB 1286 would establish a central reporting requirement at the Board of Pharmacy from every pharmacy located in the state. There are over 5,000 pharmacies in the state that would be reporting their data to the Board. This will require significant additional staff and funding to handle the new process. Instead, allowing for pharmacies to report to their own patient safety organization will reduce that cost to the Board.

In conclusion, AB 1286 as currently written, will have a detrimental impact on patient access to pharmacy services. The bill should be modified to expand the pharmacist to pharmacy technician ratio, have the Board of Pharmacy work collaboratively with pharmacists and pharmacy companies to develop plans and protocols to address situations where a pharmacy might need to limit services or close during emergencies and lastly to address medication errors through a more reasonable approach to reporting.

If we can provide any additional information please don't hesitate to reach out to Jennifer Snyder at jsnyder@capitoladvocacy.com or Lindsay Gullahorn at lgullahorn@capitoladvocacy.com with Capitol Advocacy.

Sincerely,



Rachel Michelin
President & CEO

California Retailers Association

Cc: The Honorable Matt Haney, Author
Members, Assembly Appropriations Committee
Allegra Kim, Consultant, Assembly Appropriations Committee

The California Community Pharmacy Coalition is a project of the California Retailers Association and was formed to promote the positive impacts community pharmacies have within California's healthcare system by working on legislation and regulations that will expand access opportunities for community pharmacy services including in hard to reach, under- served areas where Californians often have very limited options for healthcare.