

## Waiver Related to MPX Emergency: Dispensing Tecovirimat to ER Patient

In light of Governor Gavin Newsom's August 1, 2022, [proclamation of emergency](#) and consistent with [Business and Professions Code section 4062](#), the California State Board of Pharmacy has issued the following waiver:

### **Prescriber Dispensing of Tecovirimat (TPOXX or ST-246) Oral Antiviral Medication to Emergency Room Patient (BPC sections 4068(a)(1), 4068(a)(5), 4068(a)(6), 4076.5 and 4427.2(a))**

Waive Business and Professions Code sections 4068(a)(1), 4068(a)(5), 4068(a)(6), 4076.5 and 4427.2(a) and any associated regulation related to the prohibition against a prescriber dispensing medications to an emergency room patient under the following conditions:

1. The medication is provided to a patient receiving care in an emergency room in California.
2. The antiviral medication is prescribed and dispensed consistent with the provisions of the FDA Expanded Access Program and [Guidance for Tecovirimat Use Under Expanded Access Investigational New Drug Protocol during 2022 U.S. MPX Cases](#).
3. Prior to prescribing and dispensing the medication, the prescriber reviews the patient's medication history to determine any drug interactions, contraindications, or potential for severe side effects.
4. The medication is labeled to include the patient's name, drug name and strength, directions for use, quantity, date of issuance, name of the prescriber, and hospital information.
5. Verbal consultation is provided by an authorized health care provider.
6. When the antiviral medication is not packaged in a child-resistant container, the patient is advised.

**Effective:** August 3, 2022

**Expires:** 90 days following the end of the declared emergency