

BOARD OF PHARMACY

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Continuing Education

Sections Affected: Amend Sections 1732.05, 1732.2, and 1732.5 of Article 4 of Division 17 of Title 16, California Code of Regulations.

Specific Purpose of the Proposed Changes/Problems Addressed

The Board of Pharmacy (Board) proposes to amend Sections 1732.02, 1732.2, and 1732.5 of Article 4 of Division 17 of Title 16 of the California Code of Regulations (CCR) for the purpose amending the Board's regulations to further define and clarify the continuing education (CE) requirements for licensed pharmacists.

Business & Professions Code (B&P) section 4231 authorizes the Board to require pharmacists to provide proof of completion of thirty (30) hours CE before renewing their license. Additionally, B&P section 4231 defines the general guidelines for the contents of CE courses; however, it does not specify any other ways of satisfying the Board's CE requirements. The Board seeks to amend 16 CCR Sections 1732.05, 1732.2, and 1732.5 to update the name of a Board-approved CE provider, to grant CE credit for serving on a committee developing the California Practice Standards and Jurisprudence Examination (CPJE), to grant CE credit for attending Board meetings or committee meetings, and to define specialized subject areas to meet the CE hour requirement.

This proposal will correct the name of a Board-approved CE provider that was changed as a result of restructuring at the Pharmacy Foundation of California; it will encourage pharmacist participation at Board meetings and in the development of the CPJE, and it will ensure that pharmacists are receiving ongoing education in critical areas of the profession.

Updating the name of a Board-approved accreditation agency will reduce confusion for pharmacists selecting CE courses. Awarding CE for attending Board and Committee meetings will encourage more pharmacists and pharmacy technicians to attend the meetings. This will result in additional education to licensees on issues impacting the practice of pharmacy and may contribute to improving public health and safety. Assuring that pharmacists take CE hours in critical subject matter areas will contribute to public health and safety by increasing the number of pharmacists trained in those content areas.

The purpose of the Board's proposal makes the following amendments:

Section 16 CCR 1732.05. Accreditation Agencies of Continuing Education

Subdivision (a)(2) changes "Pharmacy Foundation of California" to "California Pharmacists Association." This change is necessary as the "Pharmacy Foundation of California" changed their name to the "California Pharmacists Association" following a restructuring of the foundation.

Section 16 CCR 1732.2. Board of Accredited Continuing Education

Subdivision (c) adds “A pharmacist serving on a designated subcommittee of the board for the purpose of developing the California Practice Standards and Jurisprudence Examination for pharmacists pursuant to section 4200.2 of the Business and Professions Code may annually be awarded up to six (6) hours of continuing education for conducting a review of the exam test questions. A subcommittee member shall not receive continuing education hours pursuant to this subdivision if that subcommittee member requests reimbursement from the board for time spent conducting a review of exam test questions.” This addition is necessary because the CPJE is one of the examinations (qualifying method) that a pharmacist must pass for purposes of licensure as a pharmacist in California. It is critical that licensed professionals be involved in the development and validation of the examination questions. The Board determined that six (6) hours was the appropriate amount of hours to credit a licensee for the amount of review completed. Additionally, a licensee cannot be awarded CE hours and receive paid compensation for the same work completed. This is added to prevent a conflict of interest between the licensee and the Board.

Subdivision (d) adds “A pharmacist or pharmacy technician who attends a full day board meeting may be awarded six (6) hours of continuing education per renewal period. The board shall designate on its public agenda which day shall be eligible for continuing education credit. A pharmacist or pharmacy technician requesting continuing education pursuant to this subdivision must sign in and out on an attendance sheet at the board meeting that requires the individual to provide his or her first and last name, license number, time of arrival and time of departure from the meeting.” This addition is necessary to specify additional ways in which a licensee may satisfy the Board’s continuing education requirements. The Board does not currently require that a pharmacy technician satisfy continuing education requirements for renewal of a pharmacy technician license; however, one of the qualifying methods for licensure as a pharmacy technician is certification through the Pharmacy Technician Certification Board (PTCB) pursuant to section 4202 of the Business and Professions Code. For purposes of maintaining certification with the PTCB, pharmacy technicians must meet the Board’s requirements for continuing education. This proposed regulation would specify Board accredited continuing education options for pharmacy technicians licensed by the Board. The Board determined that six (6) hours was the appropriate amount of hours to credit a licensee for the attending an eight (8) hour Board meeting.

Subdivision (e) adds “A pharmacist or pharmacy technician who attends a full committee meeting of the board may be awarded two (2) hours of continuing education per renewal period. A pharmacist or pharmacy technician requesting continuing education hours pursuant to this subdivision must sign in and out on an attendance sheet at the committee meeting that requires the individual to provide his or her first and last name, license number, time of arrival and time of departure from the meeting.” This addition is necessary to specify additional ways in which a licensee may satisfy the Board’s continuing education requirements. The Board does not currently require that a pharmacy technician satisfy continuing education requirements for renewal of a pharmacy technician license; however, one of the qualifying methods for licensure as a pharmacy technician is certification through the Pharmacy Technician Certification Board

(PTCB) pursuant to section 4202 of the Business and Professions Code. For purposes of maintaining certification with the PTCB, pharmacy technicians must meet that Board's requirements for continuing education. This proposed regulation would specify Board accredited continuing education options for pharmacy technicians licensed by the Board. The Board determined that two (2) hours was the appropriate amount of hours to credit a licensee for attending a committee meeting. A committee meeting is generally shorter in length and does not address as much material as a full Board meeting.

Subdivision (f) adds "An individual may be awarded three (3) hours of continuing education for successfully passing the examination administered by the Commission for Certification in Geriatric Pharmacy." This addition is necessary to allow specify an additional way in which a licensee may satisfy the Board's continuing education requirement. The Commission for Certification in Geriatric Pharmacy offers specialized training regarding pharmaceutical care for seniors, who often have special needs. The Board determined that three (3) hours was the appropriate amount of hours to credit a licensee for the time spent preparing for and passing the examination.

Section 16 CCR 1732.5. Renewal Requirements for Pharmacist

The title of this section is amended and changes "Pharmacist" to "Pharmacists" for grammatical clarity.

A new subdivision (b) adds "At least six (6) of the thirty (30) hours required for pharmacist license renewal shall be completed in one or more of the following subject areas:" This addition is necessary is specify the amount of hours required. The Board determined that six (6) hours of the required thirty (30) would be appropriate as that equates to two (2) three (3) hour classes. Six (6) hours of education would provide a pharmacist with sufficient education in the content area(s) they elected to take courses in. The Board also included "at least" to allow the pharmacist the ability to complete more the six (6) hours, should they elect to do so.

Paragraph (b)(1) adds "Emergency/Disaster Response." This addition is necessary to encourage pharmacist to seek continuing education in disaster response. As pharmacists have a specialized skillset and are more accessible to the public, additional education in emergency/disaster response may improve the health and welfare of California residents by providing easier access to medical care within a pharmacist's scope of practice.

Paragraph (b)(2) adds "Patient Consultation." This addition is necessary as pharmacists are required by 16 CCR Section 1707.2 to provide patient consultation. Increasing a pharmacist's education and knowledge in this area may improve the health and welfare of California residents as pharmacists may provide more thorough consultations.

Paragraph (b)(3) adds "Maintaining Control of a Pharmacy's Drug Inventory." As drug diversion from a pharmacy is a substantial risk, further educating pharmacists on maintaining the pharmacies drug inventory may reduce the incidence of drug diversion and reduce the amount of controlled substances available within the illegal drug supply.

Paragraph (b)(4) adds "Ethics." This addition is necessary to ensure that pharmacists have continuing education on pharmaceutical ethics and the importance of public safety.

Paragraph (b)(5) adds “Substance Abuse, Including Indications of Red Flags and a Pharmacist’s Corresponding Responsibility.” Drug abuse is at an all-time high and this addition is necessary to education pharmacists on what to look for when filling a prescription for a patient that may be abusing the medication. As a pharmacist is the last line of defense to preventing drug abuse, it is necessary to ensure that the pharmacists are educated in this area.

Paragraph (b)(6) adds “Compounding.” This addition is necessary because compounding is an area that is always evolving and changing. A pharmacist that compounds needs to maintain an active education on the subject matter to stay abreast of the changes in both the State of California and on a Federal level.

The Board determined that these six (6) content areas are critical to the health and safety of California residents and it is necessary that pharmacists stay educated in these areas.

Additionally, “Pharmacists renewing their licenses which expire on or after July 1, 2018, shall be subject to the requirements of this subdivision” is added to subdivision (b) after the paragraphs. This addition is necessary to provide an effective date of these continuing education requirements. Pharmacists renewing prior to the date list will not be responsible for completing continuing education in the subject areas listed. The Board selected the date of July 1, 2018 to allow licensees two years from July 1, 2016 to complete the required CE courses to be in compliance on or after July 1, 2018.

Subdivision (c) is renumbered from previous subdivision (b). This addition is necessary to comply with the Administrative Procedures Act.

Factual Basis/Rationale

B&P section 4001.1 specifies that protection of the public shall be the highest priority for the California State Board of Pharmacy (Board) in exercising its licensing, regulatory, and disciplinary functions. This section further states that whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

B&P section 4005 generally authorizes the Board to amend rules and regulations necessary for the protection of the public pertaining to the practice of pharmacy.

B&P section 4231 generally states that the Board shall not renew a pharmacist license unless the licensee has completed 30 hours of continuing pharmacy education.

B&P section 4232 generally states the form and content of acceptable continuing education courses.

Underlying Data:

1. Relevant Meeting Materials and Minutes from Board of Pharmacy Meeting held October 28-30, 2015.
2. Relevant Meeting Materials and Minutes from Board of Pharmacy Meeting held April 21-22, 2015.

3. Relevant Meeting Materials and Minutes from Board of Pharmacy Meeting held October 28-29, 2014.
4. Relevant Meeting Materials and Minutes from Board of Pharmacy Meeting held May 1-2, 2012.

Business Impact

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the fact that the proposed regulation does not affect a business. The proposed regulation affects Board licensees. Pharmacists are currently required to complete continuing education pursuant to B&P section 4231. The proposed regulation further defines the content area for six of the required thirty units. Additionally, the proposed regulation permits that Pharmacists and Pharmacy Technicians be awarded continuing education for attending Board and/or Committee meetings, which are free of charge.

Economic Impact Assessment Results:

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs in the State of California because awarding CE for attending Board and/or Committee meetings, working on exam development, or requiring courses in specific content areas does not increase the total amount of CE hours that are required for a pharmacist's biennial license renewal.
- It will not create new businesses or eliminate existing businesses within California because awarding CE for attending Board and/or Committee meetings, working on exam development, or requiring courses in specific content areas does not increase the total amount of CE hours that are required for a pharmacist's biennial license renewal.
- It would not affect the expansion of businesses currently operating in California because awarding CE for attending Board and/or Committee meetings, working on exam development, or requiring courses in specific content areas does not increase the total amount of CE hours that are required for a pharmacist's biennial license renewal.
- This regulatory proposal benefits the health and welfare of California residents because it encourages pharmacists and pharmacy technicians to take actions which benefit the practice of pharmacy as a whole, and will ensure that pharmacists take classes in subject areas the Board has identified as important for public safety.
- This regulatory proposal may benefit worker safety by requiring pharmacists to take CE courses the Board has identified, two (2) of which may improve safety in the pharmacy workplace setting: Emergency/Disaster Response and Compounding. Increasing knowledge in these areas will increase safety practices and skills in the workplace.

- This regulatory proposal will have no impact on the state's environment because pharmacists are already required to complete thirty (30) CE hours to renew their licenses, and no environmental impacts have been noted or reported to the Board as a result of that requirement.

Specific Technologies or Equipment

This regulation would not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would either be more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

The only alternative to this proposal is to not amend the requirements. This alternative was rejected because the name change of the California Pharmacist Association can cause confusion for pharmacists, pharmacy technicians are currently not awarded continuing education under existing regulations, and the pharmacists may not be thoroughly educated on subject matters critical to public health.