

Agenda Item 1



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

GOVERNOR EDMUND G. BROWN JR.

Date: July 17, 2012

To: Communication and Public Education Committee

Subject: Agenda Item 1 – Discussion Regarding the New Notice to Consumers Posters (New 16 Cal. Code Reg. Section 1707.6)

Since the beginning of 2012, this committee has been working on the design of a new Notice to Consumers poster. The committee has seen various designs created by various graphic designers, but none seems to have inspired the committee sufficiently enough to result in a strong decision to move forward with a particular design.

Since the board meeting where several variations of a proposed design were reviewed, staff has continued to push for new designs in hopes of securing a more effective poster. The Department of Consumer Affairs Office of Publications, Design and Editing has produced several new poster designs which are ready for review.

At this meeting, the committee will have a chance to review several new poster designs. If at all possible, the committee needs to select the final design.

All the new poster designs incorporate suggestions made at prior meetings, including to display the board's logo and state seal to reinforce the board's brand, and differentiate the poster from drug advertisements that may also be displayed in a pharmacy.

The posters also prominently display the text "California law requires a pharmacist to speak with you every time you get a new prescription" as requested by the committee.

After a new poster design has been selected, the finalized poster will be printed and mailed to all pharmacies. The poster will also be translated into additional languages and made available to any pharmacy that requests a translated poster.

The total cost of printing and mailing these posters in the past has been about \$40,000. However, the final costs cannot be projected until the design and size parameters are completed.

The text which must be printed on the poster is pursuant to 16 California Code of Regulations section 1707.6 is:

§ 1707.6. Notice to Consumers.

(b) The notice shall contain the following text:

NOTICE TO CONSUMERS

California law requires a pharmacist to speak with you every time you get a new prescription.

You have the right to ask for and receive from any pharmacy prescription drug labels in 12-point font.

Interpreter services are available to you upon request at no cost.

Before taking your medicine, be sure you know: the name of the medicine and what it does; how and when to take it, for how long, and what to do if you miss a dose; possible side effects and what you should do if they occur; whether the new medicine will work safely with other medicines or supplements; and what foods, drinks, or activities should be avoided while taking the medicine. Ask the pharmacist if you have any questions.

This pharmacy must provide any medicine or device legally prescribed for you, unless it is not covered by your insurance; you are unable to pay the cost of a copayment; or the pharmacist determines doing so would be against the law or potentially harmful to health. If a medicine or device is not immediately available, the pharmacy will work with you to help you get your medicine or device in a timely manner.

You may ask this pharmacy for information on drug pricing and use of generic drugs.

Agenda Item 2



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To: Communication and Public Education Committee

Subject: Agenda Item 2 – Video Option of the New Notice to Consumers (16 California Code of Regulations Section 1707.6)

The Notice to Consumers video has been edited to allow each slide to remain on the screen for a minimum of 60 seconds as specified in the requirements. In addition, the board logo and state seal have been incorporated at the bottom of each slide – to emphasize the board’s “brand,” as suggested by Mr. Brooks.

The video will be shown at the committee meeting.

The video will be available in DVD format for any pharmacy that requests it and will be available on the board’s website.

The requirements for the video format are specified below:

§ 1707.6. Notice to Consumers.

(a) In every pharmacy there shall be prominently posted, in a place conspicuous to and readable by a prescription drug consumer, a notice containing the text in subdivision (b). Each pharmacy shall use the standardized poster-sized notice provided or made available by the board, unless the pharmacy has received prior approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval. As an alternative to a printed notice, the pharmacy may also or instead display the notice on a video screen located in a place conspicuous to and readable by prescription drug consumers, so long as:

- (1) The video screen is at least 24 inches, measured diagonally;
- (2) The pharmacy utilizes the video image notice provided by the board;
- (3) The text of the notice remains on the screen for a minimum of 60 seconds; and
- (4) No more than five minutes elapses between displays of any notice on the screen, as measured between the time that a one-screen notice or the final screen of a multi-screen notice ceases to display and the time that the first or only page of that notice re-displays.

The pharmacy may seek approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval.

Agenda Item 3



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To: Communication and Public Education Committee

Subject: Agenda Item 3 – Format for New Interpreter Services Notice

The Point to Your Language mini poster was slightly modified since the last meeting to improve the overall design. Its completed size is that of a letter-sized piece of paper (8.5" x 11"). It is ready for release publicly.

The poster highlights the 12 primary languages in use in California -- Arabic, Armenian, Cambodian, Cantonese, Farsi, Hmong, Korean, Mandarin, Russian, Spanish, Tagalog and Vietnamese – that interpreters will be provided if desired.

The relevant section of the new Notice to Consumers regulation is:

1707.6 (c) Every pharmacy, in a place conspicuous to and readable by a prescription drug consumer, at or adjacent to each counter in the pharmacy where dangerous drugs are dispensed or furnished, shall post or provide a notice containing the following text:

Point to your language. Interpreter services will be provided to you upon request at no cost. This text shall be repeated in at least the following languages: Arabic. Armenian. Cambodian. Cantonese. Farsi. Hmong. Korean. Mandarin. Russian. Spanish. Tagalog, and Vietnamese.

Each pharmacy shall use the standardized notice provided or made available by the board, unless the pharmacy has received prior approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval.

The pharmacy may post this notice in paper form or on a video screen if the posted notice or video screen is positioned so that a consumer can easily point to and touch the statement identifying the language in which he or she requests assistance. Otherwise, the notice shall be made available on a flyer or handout clearly visible from and kept within easy reach of each counter in the pharmacy where dangerous drugs are dispensed or furnished, available at all hours that the pharmacy is open. The flyer or handout shall be at least 8 1/2 inches by 11 inches.

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To: Members, Communication and Public Education Committee

Subject: Agenda Item 4 — Securing Public Comments on the New Label Design and Interpreter Requirements

The board has a mandated report to the Legislature due January 1, 2013, on implementation of the patient-centered labels. Efforts to collect data for this report began in January 2012, and have focused on information collected during board inspections on labels in use and availability of interpreters.

One additional post-implementation piece of patient-centered labels will be collecting and reviewing consumer comments on prescription labels, including feedback about whether additional changes would be beneficial. Consumer surveys will be used to solicit consumer feedback using the following questions:

- Are your prescription container labels easy to read?
- What changes would make them better?
- What information on the label is most important to you?
- Are the directions for taking the medicine clear and easy to understand?
- Do you know why you take each of your prescription medicines?
- Would you like the general reason why you take the medicine to appear on the label (e.g., for pain, for infection, etc.)?

The board also committed that by December 31, 2013, it would reconsider all requirements put in place as part of the patient-centered labeling and interpreter requirements to evaluate if changes in the requirements are needed.

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To: Communication and Public Education Committee

Subject: Agenda Item 5 – Update on the Board’s Public Education Materials

In late April, the board hired a new public information officer, Jan Jamison. In recent weeks, Ms. Jamison has begun an assessment of the board’s current public education materials. This process includes updating existing consumer education materials and fact sheets, as well as identifying new materials needed to address current and relevant public pharmaceutical issues.

The board currently has several new consumer education brochures in the works. These include *Teen Prescription Drug Abuse*, *Teen Abuse of Synthetic Cannabinoids*, *Prescription Drug Abuse* and *Purchasing Pet Meds Safely from Online Pharmacies*. Several more topics have been identified and brochures will be developed on an ongoing basis.

As part of the design process for the notice to consumers, board staff has been working with the Department of Consumer Affairs Office of Publications, Design and Editing to develop a brand identity for the Board of Pharmacy. This will include the development of a standardized menu of logo blocks and a consistent design look-and-feel for all printed publications and consumer education materials. The intent is to design brochures and fact sheets into a tri-fold format to allow for easier handling and better presentation.

Two national events are planned in coming months that will provide an opportunity for public relations and consumer outreach activities. Wake up to Medicine Abuse Week is a week-long collaboration sponsored by the Partnership at Drugfree.org and Cardinal Health, scheduled for September 23-29. American Pharmacists Month is scheduled for the month of October, where in prior years, the focus of the campaigns have been on Talk to a Pharmacist Month. It may be timely for us to promote our new notice to consumers, interpreter availability and new label designs as part of these promotions. There is also another DEA-sponsored consumer drug back day planned for the end of September.

Additionally, the new board website design is currently in the planning stages. A new color palette has been selected from a menu of approved state templates and new site architecture is being developed. The new architecture will be simplified and designed to be intuitive and easy to navigate. All content will be updated and refreshed as necessary.

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To: Members, Communication and Public Education Committee

Subject: Agenda Item 6 – Update on *The Script*

The August 2012 issue of *The Script* is currently undergoing legal review. We hope to be able to release it in August. The issue will focus on application of laws and the forthcoming e-pedigree requirements. It also lists the multiple disciplinary decisions taken by the board since the beginning of 2012.

Lastly, the issue will focus on items related to the patient-centered labeling project; specifically:

1. the new Notice to Consumers poster that should be released and mailed to pharmacies later this summer,
2. the option to use the video format of the Notice to Consumers (and how to obtain the video),
3. the mini-poster notice of the availability of interpreters, and
4. how to request an exemption to display a pharmacy's own video or interpreter availability mini-poster.

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Subject: Agenda Item 7 – Outreach Activities

State government continues to be subject to a travel freeze that restricts all but the most essential travel. Moreover, the Department of Consumer Affairs must still preapprove all travel where a travel claim will be submitted. This has restricted board operations in all areas, including public and licensee outreach.

Public and licensee outreach activities performed during the fourth quarter of fiscal year 2011/12 include:

- April 13 – Executive Officer Herold provides a presentation on the board's enforcement program and consumer protection initiatives to UCSF students
- May 9 – Executive Officer Herold provides a presentation on the board's enforcement program to Ralphs' pharmacy managers
- May 17 – Executive Officer Herold provides a webinar training on California's e-pedigree laws for RfXcel
- June 13 – Supervising Inspector Hunt, Associate Analyst Sue Durst and Public Information Officer Jan Jamison attend a Senior Scam Stopper Seminar in Stockton. Dr. Hunt provided a presentation on consumer awareness involving pharmacy services, and Ms. Durst and Ms. Jamison staffed an information booth.
- June 19 --- Executive Officer Herold provides a webinar training on California's e-pedigree laws for Axway
- June 20 – Inspector De'Bora White presents information about the board's enforcement program to pharmacists attending at CE program in Pasadena.