



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

GOVERNOR EDMUND G. BROWN JR.

NOTICE OF MEETING AND AGENDA

Public Board Meeting

October 25 & 26, 2012

**Contact Person: Virginia Herold
(916) 574-7911**

This board meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Richard Hultgren at (916) 574-7934, by emailing richard.hultgren@dca.ca.gov or sending a written request to the Board of Pharmacy, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

DATE: October 25 & 26, 2012

PLACE: Department of Consumer Affairs
First Floor Hearing Room
1625 N. Market Boulevard
Sacramento, CA 95834

WEBCAST: <http://www.dca.ca.gov/stream/audiocast.aspx>
(Link to Webcast will not be available until 9 a.m. on October 25, 2012, and until 9:45.
on October 26, 2012)

NOTE: Pharmacists and pharmacy technicians who attend in person the October 25th session of the Board Meeting may be awarded 6 hours of CE, in accordance with the Board's CE policy. Sign in and sign out that day are required for the CE credit.

For verification of the meeting, call (916) 574-7934 or access the Board's Web site at www.pharmacy.ca.gov.

Discussion and action may be taken on any item on the agenda. The board may discuss agenda items in any order on each day, unless noticed as "time certain." An opportunity for public comment is provided for each open agenda item and at the end of each committee's report. All times are approximate and subject to change. Time limitations for discussion and comment will be determined by the President.

Agenda

Call to Order

9:00 a.m.

I. General Announcements

II. Approval of the Full Board Meeting Minutes of July 17 and 18, 2012

III. Public Comment on Items Not on the Agenda/Agenda Items for Future Meetings

Note: The board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]

IV. RECOGNITION AND CELEBRATION OF PHARMACISTS LICENSED FOR 50 YEARS IN CALIFORNIA

V. COMMUNICATION AND PUBLIC EDUCATION COMMITTEE REPORT

The Communication and Public Education Committee Met on August 29, 2012

- a. Update on the New Notice to Consumers Posters
- b. Update on the Video Display Format Option for Notice to Consumers
- c. Update on the Format for Notice of Interpreter Availability
- d. Update on Securing Consumer Comments on the Board's Regulation Requirements for Patient-Centered Labels and Translations for Limited English Speaking Individuals
- e. Update on *The Script*
- f. Public Outreach Activities Conducted by the Board
- g. First Quarterly Report on the Committee's Goals for 2012/13

VI. LICENSING COMMITTEE REPORT

There was no meeting of the Licensing Committee in the past quarter.

- a. Competency Committee Report
- b. Licensing Statistics
- c. First Quarterly Report on the Committee's Goals for 2012/13

VII. DISCUSSION ON COMPOUNDING AND MANUFACTURING BY PHARMACIES

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VIII. LEGISLATION AND REGULATION COMMITTEE REPORT

There was no meeting of the Legislation and Regulation Committee in the past quarter.

PART I – LEGISLATION

a. Enacted Legislation

1. **SB 1575** (Senate Committee on Business, Professions and Economic Development) – Chapter 799, Statutes of 2012
2. **AB 377** (Solorio) – Hospital Central Packing Pharmacy – Chapter 687, Statutes of 2012
3. **AB 389** (Mitchell) – Bleeding Disorders: Blood Clotting Products – Chapter 75, Statutes of 2012
4. **AB 1442** (Wieckowski) – Common Carriers Transporting Pharmaceutical Waste – Chapter 689, Statutes of 2012
5. **AB 1588** (Atkins) – Reservist Licensees; Fees and Continuing Education – Chapter 742, Statutes of 2012
6. **AB 1904** (Block) – Military Spouses; Expedited Licensure – Chapter 399, Statutes of 2012
7. **AB 1896** (Chesbro) Tribal Health Programs: Health Care Practitioners – Chapter 119, Statutes of 2012
8. **AB 2570** (Hill) – Licensees: Settlement Agreements – Chapter 561, Statutes of 2012
9. **SB 71** (Leno) – Board of Pharmacy: Reports – Chapter 728, Statutes of 2012
10. **SB 1095** (Rubio) – Licensing: Clinics – Chapter 454, Statutes of 2012
11. **SB 1099** (Wright) – Regulations; Quarterly Effective Dates – Chapter 295, Statutes of 2012
12. **SB 1236** (Price) – Board of Pharmacy: Sunset – Chapter 332, Statutes of 2012
13. **SB 1301** (Hernandez) – Prescription Drugs: 90-Day Supply – Chapter 455, Statutes of 2012
14. **SB 1329** (Simitian) – Prescription Drug Collection and Redistribution Program – Chapter 709, Statutes of 2012
15. **SB 1481** (Negrete-McLeod) – Clinical Laboratories: Community Pharmacies – Chapter 874, Statutes of 2012

b. Legislation Not Enacted

1. **SB 419** (Simitian) – Solid Waste: Home-Generated Sharps
2. **SB 616** (DeSaulnier) – CURES Program

c. 2013 Legislative Proposals for Consideration

1. Addition of Business and Professions Code Section 4008.5 – Requirement to Provide Arrest and Court Documents As Requested by the Board
2. Amendment to Business and Professions Code Section 4053 – Application Requirements for Licensure as a Designated Representative
3. Amendment to Business and Professions Code Section 4127.2 – Nonresident Sterile Injectable Compounding Pharmacy Requirements
4. Proposal to Clarify Authorized Acquisition Sources of Dangerous Drugs by Pharmacies
5. Other Legislative Proposals

PART II– REGULATIONS

All Regulation References are to Division 17 of Title 16 of the California Code of Regulations, Unless Otherwise Noted

a. **Approved – Undergoing Review by the Administration**

Proposal to Amend Sections 1735.1 - 1735.3 and 1751.2 Related to Compounding Drug Products

b. **Discussion and Possible Action – Board Approved Regulations Previously Noticed**

Proposal to Amend Section 1746 – Emergency Contraception Protocol

c. **Board Approved Regulations – Currently Noticed**

1. Combined Rulemaking related to e-Pedigree: Proposal to Add Section 1747 – Requirement to Specify a Unique Identification Number for Prescription Medication, and to Add Section 1747.1 - Grandfathering
2. Combined Rulemaking: Proposal to Amend Section 1745 – Partial Fill of Schedule II Controlled Substance Prescription Add Section 1762 – Additional Grounds for Unprofessional Conduct, and Add Section 1769 – Addition of Application Review to Criteria for Rehabilitation

d. **Board Approved Regulations - Awaiting Formal Public Notice**

Combined Rulemaking: Proposal to

- Amend Section 1732.2 – Board Accredited Continuing Education (CE)
- Amend Section 1732.5 – Specification of CE Credit in Specific Content Areas
- Amend Section 1732.05 – Update Accreditation Agencies for CE
- Add Section 1751.9 – Standards for Agencies that Accredit Sterile Injectable Compounding Pharmacies

e. **Under Development**

1. Proposed Amendments to Section 1780 – Update the USP Standards Reference Manual (Minimum Standards for Drug Wholesalers) [referred to subcommittee]
2. Proposed Amendments to Section 1785 – Self-Assessment of a Veterinary Food-Animal Drug Retailer [referred to Licensing Committee]

f. **Discussion and Possible Action to Delegate to the Executive Officer the Authority to Adopt “Changes Without Regulatory Effect” (1 CCR § Section 100 Changes)**

g. **Discussion and Possible Action to Initiate a Rulemaking to Amend Section 1760 – Disciplinary Guidelines, and to Add a New Section Regarding Implementation of Uniform Standards for Substance Abusing Licensees**

PART III – LEGISLATION AND REGULATION COMMITTEE

First Quarterly Report on the Committee’s Goals for 2012/13

IX. ENFORCEMENT COMMITTEE REPORT

Discussion and Possible Action Items From the Meeting Held September 11, 2012

- a. Discussion Regarding the Process By Which the Board May Accept the Surrender of a License from a Licensee on Probation with the Board**
- b. Discussion Regarding Electronic Prescribing of Controlled Substances in California**
- c. Clarification Regarding 16 California Code of Regulations Section 1707.5(d) – Availability of Interpreters for Patients with Limited English Speaking Skills by Nuclear Pharmacies**
- d. Discussion on the Implementation of California’s Electronic Pedigree Requirements for Prescription Medication**
 - 1. Presentations and Questions from the Pharmaceutical Supply Chain on Their Readiness to Meet California’s Staggered E-Pedigree Implementation Schedule
 - 2. Update on the Status of Proposed Regulations to Specify a Unique Identification Number for Prescription Medication, and “Grandfathering” Provisions for Non-Pedigreed Dangerous Drugs
 - 3. Discussion Concerning Elements for Possible Regulation Requirements to Permit Inference as Provided by California Business and Professions Code Section 4163.3
- e. Enforcement Statistics**
- f. First Quarterly Report on the Committee’s Goals for 2012/13**

X. CLOSED SESSION

Pursuant to Government Code Section 11126(c)(3), the Board Will Convene in Closed Session to Deliberate on Disciplinary Matters

ADJOURNMENT FOR THE DAY

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Friday, October 26, 2012

XI. CLOSED SESSION

8:30 a.m.

Pursuant to Government Code Section 11126(c)(3), the Board Will Convene in Closed Session to Deliberate on Disciplinary Matters

Call to Order -- RESUMPTION OF THE OPEN SESSION

9:45 a.m.

XII. EXECUTIVE OFFICER'S REPORT

- a. Update on the Co-Sponsored Conference with the Medical Board of California Scheduled For February 2013; Work on Securing the Continuation of Controlled Substance Utilization Review and Evaluation System
- b. Summary of the Technology Summit held on October 24, 2012
- c. Board and Committee Meeting Dates for 2013

XIII. ORGANIZATIONAL DEVELOPMENT COMMITTEE REPORT

There was no meeting of the Organizational Development Committee in the past quarter.

- a. Budget Update/Report
 1. Budget Report for 2012/13
 2. Fund Condition Report
 3. Update on BreZE, DCA's New Computer System
 4. Reimbursement to Board Members
- b. Update on the Recognition Program of Pharmacists Who Have Been Licensed 50 Years
- c. Personnel Update
- d. First Quarterly Report on the Committee's Goals for 2012/13

XIV. PETITION FOR REINSTATEMENT

10:30 a.m.

- a. Reza Abolahrar, RPH 47355
- b. Clifford Victor, RPH 41656

XV. PETITION FOR REDUCTION OF PENALTY

Gary Sabistina, RPH 36143

XVI. CLOSED SESSION

Pursuant to Government Code Section 11126(c)(3), the Board Will Convene in Closed Session to Deliberate on the Petitions for Reinstatement and to Deliberate on Disciplinary Matters

ADJOURNMENT

3:30 p.m.