



ACTION ITEMS – JULY 2003 BOARD MEETING

The board packet materials for this meeting are available on the board's website.

COMMUNICATION AND PUBLIC EDUCATION COMMITTEE

The board:

- Finalized a consumer brochure on purchasing drugs from foreign countries. The brochure is broken down into three parts: purchasing drugs from foreign countries, ways for consumers to reduce their expenses for prescription drugs and discount programs for prescription drugs available to the public.
- Reported that the March 2003 edition of *The Script* was printed and mailed to all California pharmacies and placed on the board's website. In May, it was printed and mailed to all pharmacists through a grant provided to the California Pharmacists Association (CPhA) Education Foundation by the Rite Aid Corporation.
- Reported that it plans to revise its *Health Notes on Pain Management* published in 1998 to update the issue regarding new drug therapies for pain and current pending legislative changes that will eliminate the triplicate prescription requirements. The committee will seek partnerships with the private sector to reduce the costs of producing this issue. The goal is to have the issue ready by January 2004.
- Reported that the board's continuing education course has been presented another three times to the local pharmacists associations for a total of six presentations since January 2003. The board has also attended three consumer fairs.
- Reported that it has developed an action plan with the Department of Consumer Affairs on public education and outreach.

ENFORCEMENT COMMITTEE

The board:

- Voted to modify CCR 1771(c) to clarify the pharmacist's responsibility when notifying a patient and the prescriber when a prescription error has occurred. The proposed changes will be referred to the Legislation/Regulation Committee for a regulation hearing.
- Agreed to interpret Business and Professions Code section 4059.5 to allow for the delivery of dangerous drugs to a secured area when a pharmacy is closed and no pharmacist is on duty if the drugs are placed in a secure storage facility in the same building as the pharmacy, only the pharmacist-in-charge or a pharmacist designated by the pharmacist-in-charge has access to the secure storage facility after the dangerous drugs have been delivered, the secure storage facility has a means of indicating it has been entered after the dangerous drugs have been delivered, the pharmacy maintains written policies and procedures and the agent delivering the dangerous drugs leaves documents indicating the name and amount of dangerous drugs delivered. The pharmacy is responsible for the dangerous drugs delivered to

the secure storage facility and for obtaining and maintaining records relating to the delivery. The board agreed to pursue a legislative change consistent with its interpretation.

- Delegated to the executive officer as part of the licensing process the authority to approve requests for electronic data transmission prescriptions and/or computer entry prescriptions for controlled substances pursuant to Health and Safety Code section 11164.5. The executive officer will develop guidelines for this process and provide them to the Licensing Committee.
- Took testimony from seniors, consumer groups and the profession regarding the importation of prescription drugs from Canada through storefront operations in California. California Pharmacy Law specifies that the board's primary purpose is consumer protection and the board wants to ensure that consumers have access to safe prescription medications. It is the board's discretion as to what action it will take on what appears to be a federal issue. The board will investigate any consumer complaint that involves a prescription drug from Canada irrespective of how it was obtained.
- Reported that the Medical Board of California and the Board of Pharmacy Joint Task Force on Prescriber Dispensing held a meeting on May 27, 2003. The task force reached consensus on the following: (1) Under current law, an individual prescriber can own his/her own prescription stock and dispense to his or her own patients as specified and such practice should be allowed to continue with the goal of strengthening and educating prescribers regarding the recordkeeping requirements; (2) Allow a medical group to dispense prescription medications pursuant to a special permit issued by the Board of Pharmacy and specified conditions that require one physician from the medical group to be responsible and accountable for the security of the prescription medications, recordkeeping requirements, with review by a consultant pharmacist; (3) Establish the authority for a pharmacy to place an automated dispensing device in a prescriber's office; and (4) Provide for joint oversight by the appropriate licensing agencies.

LICENSING COMMITTEE

The board:

- Approved the Community Health Accreditation Program (CHAP) as an accreditation agency for pharmacies that compound injectable sterile drug products. CHAP accredited pharmacies are exempt from licensure pursuant to Business and Professions Code section 4127.1(d). The board granted this approval for three years.
- Supported the proposal that the UC Davis Medical Teaching Hospital pursue legislation that would authorize a specialized "clinic" permit that would allow the dispensing of human and veterinary drugs from a common stock and the ability to obtain a DEA permit.
- Reported on the implementation of the licensure and inspection program for pharmacies that compound injectable sterile drug products. The application and a self-assessment forms are available on the board's website.
- Agreed to submit comments on California's registration requirements for pharmacy technicians to the American Council on Pharmaceutical Education (ACPE).
- Reported on the June 4th meeting of the Ad Hoc Committee on Pharmaceutical Benefit Managers (PBMs) Regulation. The committee will hold another meeting to discuss possible

legislation and requested that the proponents and opponents to PBM regulation answer the questions from the Sunrise Questionnaire.

LEGISLATION AND REGULATION COMMITTEE

The board:

- Approved the technical amendments to CCR 1732.5. This regulation is pending approval at the Office of Administrative Law (OAL). Once approved, it will recognize continuing education credits approved by other California health professions licensing boards.
- Changed its position on SB 545 (Speier) to neutral.
- Took a position of concern on AB 292 (Yee) because of its complexity and that this concern be expressed to the author's office with the desire that it become a two year bill.
- Reported on the status of the following bills:
 - AB 261 (Maddox) Support
 - AB 746 (Matthews) Support
 - AB 1363 (Berg) Support
 - AB 1460 (Nation) Support
 - SB 151 (Burton) Support
 - SB 175 (Kuel) Support if amended
 - SB 292 (Speier) No position
 - SB 361 (Figueroa) Support
 - SB 393 (Aanestad) Support if amended
 - SB 490 (Alpert) Support
 - SB 506 (Sher) Oppose
 - SB 545 (Speier) Oppose
 - SB 774 (Vasconcellos) Support with amendments

ORGANIZATIONAL DEVELOPMENT COMMITTEE

The board:

- Approved its strategic plan for 2003-05.
- Reported that the Administration directed state agencies to identify cuts in their personnel services budgets of 10 percent for 2003/04 and prepare a list of surplus employees for layoff. This amounted to a \$353,000 reduction for the board, the elimination of all vacant positions (two inspectors, two analysts, and one clerical), overtime, and board member honoraria. The board was directed to implement the reduction effective July 1, 2003.
- Reported on the new budget reductions ordered for 2003/04 and 2004/05 in addition to the 10 percent reduction:
 - No augmentation for 2003/04 will be approved except in extraordinary circumstances; instead agencies must absorb all costs
 - For 2004/05, there will be no funding for program expansion or new programs. Should new legislative mandates occur, agencies will not receive additional funding and must identify commensurate proposed reductions in existing programs to pay for the new requirements

- No information technology projects will be funded
- Expenditure reduction plans similar to last year will likely be required (this would include another 10 percent reduction in personnel services may be established for 2004/05, along with 35 percent cuts in travel, plus other cuts)
- Agencies should target repeal of statutorily required activities or programs that they cannot fund, eliminate discretionary programs or consolidate programs. Some agencies may be combined with other agencies.
- Reported on the Sunset Review process.
- Approved the minutes of the April 29 and 30, 2003 board meeting.