



**California State Board of Pharmacy**  
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STATE AND CONSUMERS AFFAIRS AGENCY  
DEPARTMENT OF CONSUMER AFFAIRS  
ARNOLD SCHWARZENEGGER, GOVERNOR

## **ACTION ITEMS – October 2003 BOARD MEETING**

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

### **ORGANIZATIONAL DEVELOPMENT COMMITTEE**

#### **The board:**

- Reported that the Administration mandated a 12 percent (or \$422,518) cut in Personnel Services for 2003/04. This amount is linked to the loss of six positions, cuts to board member compensation, overtime, and operations. No staff will need to be laid off to meet this reduction.
- Provided a status report on the recommendations from the Joint Legislative Sunset Review Committee and Department of Consumer Affairs recommendations for the board and its operations.
- Provided a 180-day progress report on the findings of the operational audit of the board to Department of Consumer Affairs, Internal Audits Office.
- Approved the minutes of the July 21 and 22, 2003 board meeting.

### **COMMUNICATION AND PUBLIC EDUCATION COMMITTEE**

#### **The board:**

- Approved a revised fact sheet required by California law that must be provided to patients receiving emergency contraception from pharmacists.
- Agreed to sponsor a Web Page Design Contest among pharmacy students to redesign the board's Web Page. The winner would be acknowledged in a future board newsletter.
- Reported that the October 2003 edition of *The Script* was printed and mailed to all California pharmacies and placed on the board's Web site. It will be printed and mailed to all pharmacists by the California Pharmacists Association (CPhA) Education Foundation by special funding provided by AstraZenega.
- Reported plans to revise the *Health Notes on Pain Management* published in 1998 to update the issue regarding new drug therapies for pain and the new 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 March 2004.
- Reported that the board's continuing education course was presented in July to a local pharmacists association for a total of seven presentations since January 2003. Also, board staff presented information to pharmacists at the Long-Term Care Academy Association meeting. The board has also attended three major consumer fairs for a total of six since January 2003.

## LICENSING COMMITTEE

### The board:

- Reported on the implementation of the North American Pharmacist Licensure Examination (NAPLEX) and the California specific pharmacist licensure examination. The content outline for the California specific pharmacist licensure examination was provided.
- Moved to formal regulation notice changes to CCR, title 16, sections 1719-1728, to implement the NAPLEX and the California specific pharmacist licensure examination.
- Moved to formal regulation notice proposed changes to CCR, title 16, sections 1749, and 1793-1793.7 to implement the changes to the pharmacy technician program as a result of SB 361.
- Approved the proposed statutory revisions to the wholesale licensure requirements, which will be pursued as 2004 legislation.
- Approved a proposed statutory change that would clarify the license requirements for facilities, which will be pursued as 2004 legislation.
- Established policy changes to authorize a limited liability company (LLC) to own a pharmacy. This action was based on a legal analysis provided by staff counsel.
- Reported on the September 11<sup>th</sup> meeting of the Ad Hoc Committee on Pharmaceutical Benefit Managers (PBMs) Regulation. The Ad Hoc Committee was unable to recommend to the board any action that the board should take to license or regulate PBMs. The board will continue to monitor the activities of PBMs for a potential role for the board in the future.
- Reported on the approval process of security printers for controlled substance prescription documents as a result of SB 151 (Burton, Chapter 406, Statutes of 2003).
- Gave an update on the implementation of the injectable sterile compounding program for pharmacies that went into effect July 1, 2003.
- Reported that the pass rate for the June pharmacist licensure examination was 56.5%.

## ENFORCEMENT COMMITTEE

### The board:

- Agreed to hold a summit before its April board meeting to discuss importation of prescription drugs from Canada and access to safe prescription medications. The intent is to invite leaders of the medical, pharmaceutical, academic, regulatory and senior communities for a roundtable discussion on the issues of drug safety, the proliferation of Canadian pharmacy storefronts and consumer access to affordable drugs.
- Reported that proposed statutory language was developed as directed by the Medical Board of California and the Board of Pharmacy Joint Task Force on Prescriber Dispensing. The task force recommended that a medical group be allowed to dispense prescription medications pursuant to a special permit issued by the Board of Pharmacy and specified conditions that would 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. The proposal would also establish the authority for a pharmacy to place an automated dispensing device in a prescriber's office and would provide for joint oversight by the appropriate licensing agencies. The language will be discussed at the Enforcement Committee meeting on December 10<sup>th</sup>.

- Reported on the implementation of the new enforcement provisions from SB 361. SB 361(Figueroa) is the legislative vehicle for the board’s sunset extension and contains statutory recommendations approved by the Joint Legislative Sunset Review Committee.
- Reported on the implementation of SB 151(Burton). This bill repeals the triplicate prescription requirement for schedule II controlled substance prescriptions and replaces it with a tamper-resistant prescription form that may be obtained from approved printers.

## LEGISLATION AND REGULATION COMMITTEE

### The board:

- Approved the draft regulatory language for authorizing hospital central fill pharmacies (section 1707.5). The proposed regulation will be noticed for adoption at the board’s January meeting.
- Approved the draft regulatory language for common electronic prescription files to require pharmacies utilizing common electronic files to adopt policies ensuring that confidential medical information is disclosed appropriately (sections 1717.4 and 1717.5). The proposed regulation will be noticed for adoption at the board’s January meeting.
- Approved the draft regulatory language to allow a pharmacist to be a pharmacist-in-charge at two pharmacies that are within 50 miles of each other and that the pharmacist-in-charge must have actual control of the pharmacy operations. The proposal also recasts the designation of an interim pharmacist-in-charge. The proposed regulation will be noticed for hearing at the board’s January board meeting.
- Directed staff to initiate technical clean up changes to regulations required by statutory changes (section 100 changes).
- Agreed to sponsor an omnibus provision in 2004 to eliminate the requirement that the supervising physician’s name be on the label of prescription issued pursuant to a protocol by a nurse practitioner, nurse midwife, pharmacist and physician assistant.
- Agreed to sponsor an omnibus provision in 2004 to permit any pharmacist on duty to sign for the receipt of dangerous drugs or dangerous devices.
- Reported on the status of the following bills:
  - SB 151 (Burton) – Signed by the Governor (Chapter 406, Statutes of 2003)
  - SB 175 (Kuel) – Signed by the Governor (Chapter 250, Statutes of 2003)
  - SB 292 (Speier) – Signed by the Governor (Chapter 544, Statutes of 2003)
  - SB 361 (Figueroa) – Signed by the Governor (Chapter 539, Statutes of 2003)
  - SB 490 (Alpert) – Signed by the Governor (Chapter 651, Statutes of 2003)
  - SB 545 (Speier) – Signed by the Governor (Chapter 652, Statutes of 2003)
  - AB 186 (Correa)- Signed by the Governor (Chapter 426, Statutes of 2003)
  - SB 907 (Burton) – Signed by the Governor (Chapter 485, Statutes of 2003)
  - AB 1196(Montanez) – Signed by the Governor (Chapter 748, Statutes of 2003)
- Adopted final language for the sterile compounding regulations section 1751 et seq. The board will compile the rulemaking file for submission to the Administration for approval.