



**California State Board of Pharmacy**  
1625 North Market Blvd., N219, Sacramento, CA 95834  
Phone (916) 574-7900  
Fax (916) 574-8618  
[www.pharmacy.ca.gov](http://www.pharmacy.ca.gov)

STATE AND CONSUMER SERVICES AGENCY  
DEPARTMENT OF CONSUMER AFFAIRS  
ARNOLD SCHWARZENEGGER, GOVERNOR

Virginia Herold  
(916) 574-7911

**California State Board of Pharmacy  
Department of Consumer Affairs  
Notice of Public Board Meeting  
January 20 & 21, 2010**

This committee 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 Tessa Fraga at (916) 574-7912, by emailing [tessa.fraga@dca.ca.gov](mailto:tessa.fraga@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.

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**DATE: January 20 & 21, 2010**

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

*Note: Pharmacists and pharmacy technicians who attend the full day of the board meeting on Wednesday, January 20, 2010, may be awarded 6 hours of CE, in accordance with the board's CE policy.*

The board's strategic plan organizes board activities into five committees of the board. Correspondingly, the board meeting agenda is organized around the committee reports as updates to the board on each committee's recent activities. Action may be taken on any item on the agenda. 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.

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**Agenda**

***DISCUSSION AND ACTION MAY BE TAKEN ON ANY ITEM LISTED ON THE AGENDA.***

**Wednesday, January 20, 2010**

**CALL TO ORDER**

**General Announcements**

**9:00 a.m.**

**I. Approval of the Full Board Minutes of October 21 and 22, 2009**

**II. Communication and Public Education Committee Report and Action**

There has been no meeting of the Communication and Public Education Committee During this Quarter

- a. **Board of Pharmacy Video on Steps Consumers Can Take to Prevent Receiving Med Errors**
- b. **Board of Pharmacy's Report to the Legislature on the Implementation of SB 472 Regarding Patient-Centered Regulations**
- c. **Update Report on *The Script***
- d. **Update on Public Outreach Activities**
- e. **Second Quarterly Report on Committee Goals for 2009/10**

**III. Regulation Hearing and Possible Action on Proposed Regulations**

9:30 a.m.

- a. **Proposal to Adopt New Section at Title 16 California Code of Regulations Section 1707.5 – Requirements For Patient-Centered Prescription Container Labels**
- b. **Discussion and Possible Action to Adopt Section 1707.5 in Division 17 of Title 16 of the California Code of Regulations Regarding Patient-Centered Prescription Container Labels**

**IV. Recognition of Pharmacists Licensed with the Board for 50 Years**

11:45 a.m.

Lunch

**V. Demonstration of an Online Research Service to Provide Multi-Language Medication Information For Patients**

**VI. Enforcement Committee Report and Action**

- a. **Presentation on the Medication Error Reporting Systems in California Hospitals, a Presentation by Loriann De Martini, Pharm.D, California Department of Public Health**
- b. **Presentation by Katherine Ellis of the Department of Justice on the Controlled Substance Utilization Review and Evaluation System Online Access for Pharmacies**
- c. **Department of Consumer Affairs New Enforcement Model**
- d. **Report of the Enforcement Committee Meeting Held December 8, 2009**
  - 1. DEA Request for Comments on a Reclassification Proposal to Move Carisoprodol into Federal Schedule IV Controlled Substances
  - 2. Consequences for Pharmacies Dispensing Prescriptions for Internet Web Site Operators
  - 3. Reporting of Settlements to the Board as Required by California Business and Professions Sections 800-802
  - 4. Presentation by Green Rx on Drug Management Programs to Use Drugs Before They Become Outdated
  - 5. Update on California Drug “Take Back” Programs from Patients
  - 6. Consideration of Best Practices on How to Use CURES Data as Part of Drug Utilization Review
  - 7. Ongoing Discussion on Prevention of Medication Errors
- e. **Minutes of the December 8, 2009 Meeting**
- f. **Enforcement Statistics 2009-10**
- g. **Second Quarterly Report on Enforcement Committee Goals for 2009/10**

Public Comment

**VII. Legislation and Regulation Committee Report and Action**

**LEGISLATION REPORT**

**a. Board-Sponsored**

Legislation from 2009: AB 977 (Skinner) Pharmacists: Immunization Administration - Proposal to Amend B&PC §4052.8

**b. Proposed for Board Sponsorship**

- 1. AB 1370 (Solorio) Centralized Hospital Drug Distribution - Proposal to Add B&PC Article 7.6 §4128
- 2. Reverse Distributors – Provisions to Specify the Operations of Reverse Distributors
  - (a) Amend Section §4040.5 Reverse Distributor
  - (b) Amend Section §4081 Records of Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of Records, Current Inventory
  - (c) Amend Section §4126.5 Furnishing Dangerous Drugs by a Pharmacy
- 3. Omnibus Proposal #1 (for Senate Committee on Business, Professions and Economic Development)
  - (a) Amend §4196(e) – Veterinary Food-Animal Drug Retailer; Designated Representative in Charge
  - (b) Add §4200.1 – Retaking Examinations; Limits; Requirements (NAPLEX and CPJE 4x Failure)

- (c) Amend §4301 – Obtaining License by Fraud, etc.; Unprofessional Conduct; etc.
  - (d) Amend §4362 – Pharmacists Recovery Program
4. Omnibus Proposal #2 (for Senate Committee on Business, Professions and Economic Development)
- (a) General Provisions
    - Amend §650.1 – Lease Prohibition – Hospitals or Prescribers
    - Amend §652 – Violation of Unprofessional Conduct
    - Amend §4017 – Authorized Officers of the Law
    - Amend §4027 – Skilled Nursing Facility – Intermediate Care Facility – Other Health Care Facilities
    - Amend §4028 – Definition of Licensed Hospital
    - Amend §4037 – Definition of Pharmacy
    - Amend §4052.3 – Emergency Contraception Drug Therapy; Requirements and Limitations
    - Amend §4059 – Furnishing Dangerous Drugs or Devices Prohibited Without Prescription: Exceptions
    - Amend §4072 – Oral or Electronic Transmission of Prescription – Health Care Facility
    - Amend §4119 – Furnish Prescription Drug to Licensed Health Care Facility – Secured Emergency Supplies
    - Amend §4127.1 – License to Compound Injectable Sterile Drug Products Required
    - Amend §4169 – Prohibited Acts (also, strike operative date of 2008)
    - Amend §4181 – License Requirements; Policies and Procedures; Who May Dispense
    - Amend §4191 – Compliance with California Department of Public Health Requirements; Who May Dispense Drugs
  - (b) Provision to update section referencing Physical Therapy Board of California (formerly known as the Physical Therapy Examining Committee of California)
    - Amend §4059 – Furnishing Dangerous Drugs or Devices Prohibited Without Prescription: Exceptions
  - (c) Provisions to update references to the State Department of Health Care Services (formerly known as the Department of Health Services)
    - Amend §4425 – Pharmacy Participation in Medi-Cal Program; Conditions; Department of Health Care Services Utilization Review and Monitoring
    - Amend §4426 – Department of Health Care Services to Study Reimbursement Rates
- c. Legislation Impacting the Practice of Pharmacy or the Board’s Jurisdiction**
1. DCA’s Enforcement Model Changes
  2. Changes Proposed by the Board for Addition into DCA’s Enforcement Model
    - Amend §4081 - Records of Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of Records, Current Inventory
    - Amend §4104 - Licensed Employee, Theft or Impairment, Pharmacy Procedures
    - Amend §4112 - Nonresident Pharmacy; Registration; Provision of Information to Board; Maintaining Records; Patient Consultation
- d. 2009 Legislation Status:**
1. AB 418 (Emmerson) Pharmacy Technicians – Education and CE Requirements (Staff was advised that CHSP will not be pursuing this proposal.)
  2. AB 484 (Eng) Licensees Not in Compliance With Judgment or Order; Enforcement; Action on a License
  3. AB 583 (Hayashi) Health Care Practitioners: Disclosure of Education and Office Hours
  4. AB 877 (Emmerson) (*Intent language*) Healing Arts; DCA Committee Analysis; Scope of Healing Arts Practice
  5. AB 1458 (Davis) Drugs: Adverse Effects Reposting
  6. SB 26 (Simitian) Home-Generated Pharmaceutical Waste
  7. SB 238 (Calderon) Prescription Drugs
  8. SB 294 (Negrete McLeod) Healing Arts
  9. SB 341 (DeSaulnier) California Department of Public Health. CDPH to Contract with UC to Study/Evaluate the Safety and Effectiveness of Prescription Drugs
  10. SB 389 (Negrete McLeod) – FBI and State Fingerprinting Requirements for DCA Boards and Bureaus
  11. SB 484 (Wright) Ephedrine Products / Schedule V
  12. SB 638 (Negrete McLeod) DCA Regulatory Boards; Sunset Reviews; Operations; Report Requirements

**Public Comment**

**REGULATION REPORT**

- a. **Board Action to Adopt Amendments**  
Discussion and Possible Action to Adopt Sections 1721 and 1723.1 in Division 17 of Title 16 of the Code of Regulations Regarding Dishonest Conduct During a Pharmacist's Licensure Examination / Confidentiality
- b. **Board Adopted Regulations – Recently Approved by OAL**  
Title 16 CCR Repeal §1716.1 and §1716.2, Amend and Adopt sections 1751 through 1751.8 and Adopt sections 1735 through 1735.8 – Pharmacies that Compound
- c. **Board-Approved Regulations – Currently Noticed**  
Title 16 CCR Sections 1707.2 – Fingerprint Requirements
- d. **Board Action to Initiate Rulemaking**  
Discussion and Possible Action to Authorize Initiation of a Rulemaking Regarding Amendments to Section 1746 of Title 16 of the California Code of Regulations -- EC Protocol (including correct typographical error: mcg instead of mg)
- e. **Board Approved Regulations – Awaiting Notice**
  - 1. Title 16 CCR 1785 – Self-Assessment of a Veterinary Food-Animal Drug Retailer
  - 2. Title 16 CCR Section 1751.9 – Accreditation Agencies for Pharmacies that Compound Injectable Sterile Drug Products
- f. **Regulations Under Development**
  - 1. Title 16 CCR Section 1780 – Update the USP Standards Reference Material
  - 2. Title 16 CCR Section 1732.2 – Continuing Education for Competency Committee Members

**Second Quarterly Report on Legislation/Regulation Committee Goals for 2009/10**

**Public Comment**

**VIII. Public Comment for 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 to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]*

**Recess for Day**

**Day 2: January 21, 2010**

**Closed Session**

**8:00 a.m.**

- 1. Pursuant to Section 11126(a) of the Government Code, the Board will convene in closed session to evaluate the performance of the Board's executive officer.
- 2. Pursuant to Government Code section 11126(c)(3), the Board will convene in closed session to deliberate on disciplinary decisions.

**OPEN SESSION**

**9:15 a.m.**

**IX. Licensing Committee Report**

**a. Report of the Committee Meeting Held December 3, 2009**

- 1. Request to Modify Title 16 California Code of Regulations Section 1713(d) Regarding the Requirement that Automated Dispensing Machines Be Adjacent to the Secure Pharmacy Area

2. Final Review on Parameters for Recalls in Hospitals
  3. Emergency and Disaster Response Planning: Update on the H1N1 Emergency Response Activities in California
  4. Impact on Patient Care Caused by Diverse Supply Issues Impacting the Availability of Medication to Hospitals
  5. State of California's Right Care Initiative
  6. Update: Psychometric Assessment of the PTCB and ExCPT Pharmacy Technician Exams
  7. Reporting and Accounting of Intern Hours for California Pharmacy School Students
  8. Processing Timelines and Work Flow of the Board
  9. Competency Committee Report
  10. Job Analysis for the CPJE Underway in December 2009
  11. Summary of the December 3, 2009 Licensing Committee Meeting
- b. Second Quarterly Report on Licensing Committee Goals for 2009/10**

**Public Comment**

**X. Organizational Development Committee Report and Action**

- a. Budget Update/Report**
  1. Budget Reports for 2009/10
  2. Fund Condition Report
  3. Budget Change Proposals for the 2010/11 Budget
  4. Reimbursement to Board Members
  5. BreEZe (I-Licensing) Progress
- b. Recognition Program of Pharmacists Who Have Been Licensed 50 Years**
- c. Personnel Update**
- d. Second Quarterly Report on the Committee's Goals for 2009/10**

**Public Comment**

**XI. Petitions for Reinstatement**

11:15 a.m.

Robert Brower  
Eric Weiss

**Closed Session**

1. Pursuant to Government Code section 11126(c)(3), the Board will convene in closed session to deliberate on disciplinary decisions and the petitions for reinstatement.
2. If necessary, Pursuant to Section 11126(a) of the Government Code, the Board will convene in closed session to continue the evaluation of the executive officer.

**ADJOURNMENT**

4:00 p.m.