



California State Board of Pharmacy

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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GOVERNOR EDMUND G. BROWN JR.

Notice of Meeting and Agenda
Public Board Meeting
September 30, 2015

DATE: September 30, 2015

TIME: 9:00 a.m.

PLACE: University of Southern California – Orange County Center
2300 Michelson Drive
Irvine, CA 92612

WEBCAST: http://www.pharmacy.ca.gov/meetings/current_webcasts.shtml
(Link to Webcast will not be available until 9:00 a.m. on September 30, 2015)

NOTE: Pharmacists and pharmacy technicians who attend in person may be awarded 6 hours of CE, in accordance with the Board's CE policy. Sign in and sign out on the day of the meeting will be required for the CE credit.

For questions or verification of the meeting, call Laura Hendricks at (916) 574-7918 or access the board's Web site at www.pharmacy.ca.gov.

Meeting materials should be available on the board's Web site at www.pharmacy.ca.gov by September 25, 2015.

Agenda

Call to Order

9:00 a.m.

I. Call to Order and General Announcements

II. Closed Session

- a. Pursuant to Government Code section 11126(c)(3), the board will convene in closed session to deliberate on disciplinary matters.
- b. Pursuant to Government Code section 11126(e), the board may convene in closed session to confer with, or receive advice from, legal counsel regarding the following pending litigation:
 1. *Berjikian v FTB, Board of Pharmacy, and DMV* (State and Federal actions); US District Court, Central District of CA, LA Division, Case No Case 2:13-cv-06301-DDP-JCG; LA County Superior Court, Case No. BC514589).
 2. *Roxsan Pharmacy and Shahla Keyvanfar Melamud v. Virginia Herold, Board of Pharmacy, et al.* (US District Court, Central District of CA; Case No. CV15-05524)
 3. *Parallax Health Services v. Virginia Herold, Board of Pharmacy, et al.* (US District Court, Central District of CA; Case No. CV15-05526)
- c. Pursuant to Government Code section 11126(c)(1), the board will convene in closed session to consider the preparation, approval, grading or administration of one or more licensing examination(s).

III. Public Comments 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. Approval of the July 27-29, 2015 Board Meeting Minutes

V. Consideration of Waivers Previously Granted by the Board Pursuant to Business and Professions Code section 4118 Relating to Centralized Hospital Packaging Licensing

VI. Consideration of Comments on the Food and Drug Administration's Draft Guidance Document #230 on Compounding Animal Drugs from Bulk Drug Substances

VII. Regulation Report

- a. Board Approved – Notice Period Completed
 1. Proposed Regulations to Amend Title 16 California Code of Regulations (CCR) sections 1735 et seq., and 1751 et seq., Relating to Compounding.
 2. Proposed Regulations to Add Title 16 CCR sections 1730 and 1730.1 related to Advanced Practice Pharmacists.
 3. Proposed Regulations to Add Title 16 CCR section 1746.3 related to the Protocol for Naloxone Hydrochloride.
 4. Proposed Regulations to Add Title 16 CCR section 1746.1 related to Self-Administered Hormonal Contraception.

5. Proposed Regulations to Add Title 16 CCR section 1746.4 related to Vaccinations.

b. Board Approved – Submitted for Administrative Review by DCA or OAL

1. Proposed Regulations to Amend Title 16 CCR section 1793.5 related to Pharmacy Technician Applications.
2. Proposed Regulations to Amend Title 16 CCR sections 1715 and 1784 to Update Self-Assessment Forms 17M-13, 17M-14, and 17M-26.
3. Proposed Regulations to Add Title 16 CCR section 1746.2 related to Nicotine Replacement Products.
4. Emergency Regulatory Action to Re-Adopt Title 16 CCR section 1746.3 related to Naloxone Hydrochloride.

VIII. SB 493 Items

Establishment of a Process to Consider Additional Qualifying Methods for Advanced Practice Pharmacist Licensure Under SB 493

IX. Publication of Decision in *Sternberg vs. California Board of Pharmacy* (California's 2nd District Court of Appeal Case No. B255862; Filed August 6, 2015)

X. Formation of a Committee to Hear Petitions for Reduction of Penalty Pursuant to Business and Professions Code section 4309 (c)

XI. Discussion and Possible Revisions to Mail Ballot and Hold Policies for Disciplinary Matters

XII. Lunch

A lunch break will be taken at some point during the day's meeting.

XIII. Petitions for Early Termination of Probation

TIME CERTAIN: 1:00p.m.

- a. Fadi W. Atiya, RPH 45978
- b. Marvin Yuk-Kwan Fong, RPH 46421
- c. Ad-Rx Pharmacy, PHY 50996

XIV. Reconvene Open Session

XV. Adjournment

6:00 p.m.

Important Notice to the Public:

The 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 Laura Hendricks at (916) 574-7918, by emailing laura.hendricks@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.

Discussion and action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board plans to webcast this meeting on its website at www.pharmacy.ca.gov. Webcast availability cannot, however, be guaranteed due to limited resources. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

**Government Code Section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board or prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issues before the board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code Sections 11125, 11125.7(a)).*