



California State Board of Pharmacy
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www.pharmacy.ca.gov

Business, Consumer Services and Housing Agency
Department of Consumer Affairs
Gavin Newsom, Governor



Notice of Meeting and Agenda Teleconference Public Board Meeting

DATES & TIMES: July 28, 2021, 9:00 a.m.
July 29, 2021, 9:00 a.m.

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-08-21, dated June 11, 2021, neither a public location nor teleconference locations are provided.

INSTRUCTIONS FOR OBSERVATION:

WEBCAST: <https://thedcapage.blog/webcasts> Webcast will be available at 9:00 a.m. on July 28, 2021, and 9:00 a.m. July 29, 2021.

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE

July 28, 2021 - <https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m914c0c712ee0b71334cceb36cd542a1d>

July 29, 2021 - <https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m9d88cf80cd2401be0daa07e1409f7cb6>

The preferred audio connection is via phone bridge. The phone number and access code will be provided as part of your connection to the meeting. General instructions for using WebEx can be found at the end of the agenda.

Important Notices to the Public: The Board of Pharmacy will hold a meeting via WebEx – access information is provided above. General instructions for using WebEx are attached to the agenda. The meeting is open to the public. Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will need to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address like in the following sample format: XXXXX@mailinator.com. The meeting 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 Debbie Damoth at (916) 518-3090, by emailing debbie.damoth@dca.ca.gov or sending a written request to the Board of Pharmacy, 2720 Gateway Oaks Drive, Suite 100, Sacramento CA 95833. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

The time and order of agenda items are subject to change at the discretion of the Board President. In the event a quorum of the Board is unable to attend the meeting, or the Board is unable to maintain a quorum once the meeting is called to order, the members present may, at the President's discretion, continue to discuss items from the agenda and make recommendations to the full Board at a future meeting.

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 president may, at his discretion, apportion available time among those who wish to speak. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment. 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)). 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 or technical difficulties. The meeting will not be cancelled if webcast is not available. Using the WebEx link will allow for participation and observation. Using the Webcast link will allow for observation with closed captioning. Adjournment, if it is the only item that occurs after a closed session, may not be broadcast in any medium.

Agenda

Discussion and action may be taken on any agenda item.

Wednesday, July 28, 2021

Call to Order

9:00 a.m.

I. Call to Order, Establishment of Quorum, and General Announcements

II. 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)]

III. Approval Board Meeting Minutes

- a. April 29-30, 2021, Board Meeting
- b. May 27, 2021, Board Meeting
- c. June 17, 2021, Board Meeting

IV. Update from the Department of Consumer Affairs

V. Strategic Plan

- a. Discussion and Consideration of Board's Strategic Plan
- b. Overview of Process for Strategic Planning Session

VI. Communication and Public Education Committee Report

The Board will review a summary of the Committee's work at its July 14, 2021, meeting, as well as updates for discussion and action as necessary.

- a. Discussion and Consideration of Recommended Changes to the Notice to Consumers Poster/Display and Suggested Revisions to California Code of Regulations, Division 17, Title 16, Section 1707.6
- b. Discussion and Consideration of Information Sheet Regarding Possible Disciplinary Consequences of DUI Conviction
- c. Discussion and Consideration of Frequently Asked Questions Regarding Electronic Data Transmission Prescriptions

- d. Update on Communication and Public Education Activities by Staff
 - 1. The Script
 - 2. Staff Outreach
 - 3. News Media

VII. Enforcement and Compounding Committee Report

The Board will review a summary of the Committee's work at its July 15, 2021, meetings as well as updates for discussion and action as necessary.

- a. Summary of Presentation and Discussion on Board's Inspection Program
- b. Summary of Presentation and Discussion on Board's Citation and Fine Program
- c. Discussion and Consideration of Pre-filling Settlement Conference
- d. Discussion and Consideration of Board's Disciplinary Guidelines
- e. Discussion and Consideration of Authority for Pharmacists to Furnish Naloxone Hydrochloride, including the Protocol in Title 16, California Code of Regulations Section 1746.3
- f. Discussion and Consideration of Draft Frequently Ask Questions Related to Regulations Governing Automated Drug Delivery Systems
- g. Review and Discussion of Enforcement Statistics

VIII. Legislation and Regulation Committee Update

The President will provide an update for discussion and action as necessary.

- a. Discussion and Consideration of Title 16, California Code of Regulations Section 1746.6 Pharmacists Initiating and Administering Vaccines
- b. Discussion and Consideration of Pending Legislation Impacting the Practice of Pharmacy, the Board's Jurisdiction or Board Operations
 - 1. Assembly Bill 107 (Salas) Licensure: Veterans and Military Spouses
 - 2. Assembly Bill 527 (Wood) Controlled Substances
 - 3. Assembly Bill 1064 (Fong) Pharmacy Practice: Vaccines: Independent Initiation
 - 4. Assembly Bill 1328 (Irwin) Clinical Laboratory Technology and Pharmacists
 - 5. Assembly Bill 1533 (Assembly Business and Professions Committee) State Board of Pharmacy: Appointment Removal
 - 6. Senate Bill 306 (Pan) Sexually Transmitted Disease: Testing
 - 7. Senate Bill 310 (Rubio) Unused Medications: Cancer Medication Recycling
 - 8. Senate Bill 362 (Newman) Community Pharmacies: Quotas
 - 9. Senate Bill 409 (Caballero) Pharmacy Practice: SARS-CoV-2 and Influenza Testing
 - 10. Senate Bill 524 (Skinner) Health Care Coverage: Patient Steering
 - 11. Senate Bill 731 (Durazo) Criminal Records: Relief
- c. Board Adopted Regulations Approved by the Office of Administrative Law
 - 1. Proposed Regulation to Amend Title 16, CCR Section 1707, Off-Site Storage
 - 2. Proposed Regulation to Amend Title 16, CCR Section 1711, Related to Quality Assurance Programs for ADDS, Section 1713 Related to the Use of an APDA, and Add Section 1715.1 Related to the ADDS Self-Assessment Forms 17M-122
 - 3. Proposed Permanent Regulation to Add and Amend Title 16, CCR Section 1747 Related to Independent HIV Preexposure and Postexposure Prophylaxis Furnishing
 - 4. Proposed Regulations to Add Title 16, CCR Section 1717.5 Related to Automatic Refill Programs

- d. Discussion and Consideration of Board Approved Regulations Undergoing Pre-Notice Review by the Department of Consumer Affairs or the Business, Consumer Services and Housing Agency
 - 1. Proposed Regulations to Amend Title 16, CCR Section 1793.5 Related to the Pharmacy Technician Application, Section 1793.6 Related to the Pharmacy Technician Training Requirements, and Section 1793.65 Related to the Pharmacy Technician Certification Programs
 - 2. Proposed Regulation to Amend Title 16, CCR Section 1715 to Update Self-Assessment Forms 17M-13 and 17M-14
 - 3. Proposed Regulation to Amend Title 16, CCR Section 1784 to Update the Wholesaler/3PL Self-Assessment Form 17M-26
 - 4. Proposed Regulation to Amend Title 16, CCR Section 1715.65 Related to Inventory Reconciliation
 - 5. Proposed Regulation to Amend Title 16, CCR Section 1704 Related to Address Change Notification
 - 6. Proposed Regulation to Add Title 16, CCR Section 1708.1 Related to the Temporary Closure of Facilities
 - 7. Proposed Regulation to Amend Title 16, CCR Section 1735.2 to Update the Compounding Self-Assessment Form 17M-39

IX. Licensing Committee Report

The Board will review a summary of the Committee’s work at its July 14, 2021, meeting, as well as updates for discussion and action as necessary.

- a. Discussion and Consideration of Pharmacy Technician Duties and Possible Changes
- b. Discussion and Consideration of Pharmacist to Pharmacy Technician Ratio in Community and Sterile Compounding Pharmacy Settings
- c. Discussion and Consideration of Board’s Legislative Proposal to Establish a New Licensing Program Creating Advanced Practice Pharmacy Technician Requirements and Functions
- d. Review and Discussion of Licensing Statistics
- e. Future Committee Meeting Dates

X. Organizational Development Committee Report

- a. Budget Update and Report
- b. Board Member Attendance Information and Mail Vote Information
- c. Personnel Update
- d. Meeting Calendar for 2021 & 2022

XI. Discussion and Consideration of Requests to Waive Pharmacy Law Provisions Consistent with the Authority of Business and Professions Code section 4062

a. Consideration of Broad Waivers

- i. Pharmacists Initiating and Administering Vaccines (CCR Section 1746.4(d))
- ii. Duty to Consult (CCR Section 1707.2(a))
- iii. Prelicensure Inspection at Proposed Location of an Automated Drug Delivery System (ADDS) (Business and Professions Code sections 4119.11(a)(9) and 4427.2(e))
- iv. Prescriber Dispensing medication to Emergency Room Patient (BPC 4068 (a)(1), 4068(a)(5), and 4068(a)(6))
- v. Staffing Ratio of Pharmacists to Intern Pharmacists and General Supervision – Immunizations (BPC 4114)

b. Consideration of Site-Specific Waiver

- i. University of California, Student Health Pharmacies

XII. Executive Officer Report

- a. Discussion of Board's Response to COVID-19 Pandemic and Actions Taken by Other Agencies
- b. Summary of the Annual Meeting of the National Association of Boards of Pharmacy
- c. Update on Business Modernization Activities
- d. Annual CURES Update

XIII. Closed Session Matters

- a. Pursuant to Government Code Section 11126(c)(3), the Board Will Convene in Closed Session to Deliberate on Disciplinary Matters, Including Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty, and Any Other Disciplinary Matters
- b. Pursuant to Government Code Section 11126(e), the Board Will Convene in Closed Session to Discuss Pending Litigation
- 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)

XIV. Reconvene Open Session, to Adjourn for the day

Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow closed session, and there will be no other items of business discussed.

XV. Discussion and Consideration of Adoption of Board Approved Regulation, Title 16 California Code of Regulations Section 1715.6 Related to Reporting Drug Losses

XVI. Petitions for Reinstatement of Licensure, Early Termination or Other Modification of Penalty

- a. Olugbenga Oduyale, RPH 42719
- b. Cletus Uche Duru, RPH 46402
- c. Valencia Pharmacy, PHY 48891
- d. Cedar Pharmacy and Medical Supplies, Inc., PHY 40262
- e. Peter Nnamdi Onwumere, RPH 53590

XVII. Closed Session Matters

- a. Pursuant to Government Code Section 11126(c)(3), the Board Will Convene in Closed Session to Deliberate on Disciplinary Matters, Including Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty, and Any Other Disciplinary Matters
- b. Pursuant to Government Code Section 11126(e), the Board Will Convene in Closed Session to Discuss Pending Litigation
- 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)

Reconvene Open Session, if necessary

XVIII. Adjournment

Upon conclusion of business

Due to technological limitations, if adjournment follows closed session, such adjournment will not be broadcast. Adjournment will immediately follow closed session, and there will be no other items of business discussed.