



## COMMUNICATION AND PUBLIC EDUCATION COMMITTEE

Ricardo Sanchez, Public Member, Chairperson  
Jason Weisz, Public Member, Vice Chairperson  
Shirley Kim, Public Member

- a. **Call to Order and Establishment of Quorum**
- b. **Public Comment for Items Not on the Agenda; Matters for Future Meetings**  
*Note: The committee may not discuss or act on any matter raised during the public comment section that is not included on this agenda, except to place the matter on a future meeting agenda. [Government Code sections 11125 & 11125.7(a)]*
- c. **Approval of the April 29, 2021, Communication and Public Education Committee Meeting Minutes**

A draft of the minutes is in **Attachment 1**.

- d. **Discussion and Consideration of Recommended Changes to the Notice to Consumers Poster/Display and Suggested Regulatory Revisions**

### Background

The committee is considering possible changes to update the Notice to Consumers. BPC sections [4122](#) and [733](#) require pharmacies to post a notice to consumers. CCR section [1707.6](#) specifies the notice wording. A copy of the current notice is in **Attachment 2**.

At the April 29 committee meeting, staff presented two wording options focused on preventing medication errors. The committee chose Option 1 and directed staff to work with counsel on language to modify CCR 1707.6 to incorporate the wording. (A copy of Option 1 is in **Attachment 2**.) The committee also directed staff to report back on language to modify BPC sections 4122 and 733.

### At Today's Meeting

Staff has drafted language that would modify subsection (b) of CCR 1707.6 to incorporate the Option 1 wording into the Notice to Consumer. A copy of CCR 1707.6 in **Attachment 2** shows the proposed modifications in underline and strike-through text.

Staff also recommends two changes to Option 1:

- Dropping the reference to a barcode for more information about interpretive services. A barcode would not be technically workable for pharmacies displaying the Notice to Consumers in a looped video message.

- Adding a tagline: “Talk to the expert. Talk to your pharmacist.” This is intended to encourage personal contact between consumers and their pharmacist as another means to protect against medication errors.

In addition, staff considered other possible modifications to CCR 1707.6. However, these changes would raise the following policy questions for the Board:

1. **Subsection (a)** specifies the poster shall be located “in a place conspicuous to and readable by a prescription drug consumer... .” A notice posted by the pharmacy counter might not be conspicuous and readable to consumers who use a drive-through window. **Question:** Should this language be revised to require the notice be placed in specific locations?
2. **Subsection (c)** requires pharmacies also to post or provide a separate notice regarding interpreter services in 12 languages. **Question:** Should this wording be revised to include other or additional languages? For example, in 2017, section 1557 of the Affordable Care Act required Medi-Cal providers to post taglines regarding the availability of language services for the top 16 languages spoken by non-English proficient individuals, based on census data.
3. **Subsection (d)** could be added to CCR 1707.6 to address additional information required by BPC sections 733 and 4122. This information can be printed on a written receipt instead of on the Notice to Consumers, pursuant to BPC 4122. (Copies of the relevant provisions of BPC 4122 and 733 are in **Attachment 2.**) **Question:** Should CCR 1707.6 be amended to add subsection (d)?

Staff requests the committee consider and provide direction regarding:

- The recommended changes to CCR 1707.6(c) to incorporate the wording of Option 1 in the Notice to Consumers poster/display.
- Policy questions raised by possible changes to subsections (a) and (c) of the regulation.
- Whether to add subsection (d) to the regulation.

e. **Discussion and Consideration of Information Sheet Regarding Possible Disciplinary Consequences of DUI Conviction**

**Background**

Board members have expressed concern that licensees may not understand and appreciate the serious consequences that a DUI conviction can have on their professional license issued by the Board, including possible disciplinary action. The Board and this committee have asked staff to develop ways to better educate licensees about this important issue that could impact their license as well as their employment and livelihood.

#### At Today's Meeting

Staff has drafted an information sheet to educate and emphasize to licensees the possible serious consequences of DUI conviction for their license. The information could be posted in a conspicuous location on the Board's website, as well as published in the Script and any other locations directed by the Board.

The information sheet has been submitted for DCA legal review. A copy is in **Attachment 3**.

Staff requests the committee consider and provide direction regarding the information sheet – including suggestions on the content, how to disseminate the information, etc.

#### **f. Discussion and Consideration of Frequently Asked Questions Regarding Electronic Data Transmission Prescriptions**

##### Background

The Enforcement Committee heard a report April 22 about BPC [section 688](#), a new law regarding electronic data transmission prescriptions. Key provisions of the law take effect January 1, 2022. The committee discussed drafting FAQs to educate licensees about the law and referred the discussion to the Communication and Public Education Committee.

##### At Today's Meeting

Staff reports an alert about BPC 688 was sent to subscribers June 21. To provide relevant information, staff is seeking questions from licensees and Board inspectors for possible inclusion in the FAQs. A copy of the subscriber alert is in **Attachment 4**.

Draft FAQs are currently undergoing review and will be released as supplemental materials for this meeting.

#### **g. Discussion and Consideration of Communication and Public Education Strategic Goals**

##### Background

The Board's [Strategic Plan 2017-2022](#) includes eight goals that guide policies and actions implemented by the Communication and Public Education Committee.

##### At Today's Meeting

Staff requests the committee consider whether the current communication and public education goals remain suitable or whether specific goals should be revised or new goals adopted. Staff has provided comments for the committee's consideration and welcomes feedback and direction regarding strategic goals.

##### **Communication and Public Education Strategic Goals**

**4.1. Develop and implement a communication plan for licensees and consumers to improve communication and keep stakeholders better informed.**

Status: This goal is incorporated into daily Board operations. Staff assesses Board activities to develop and implement communication plans tailored to specific policies and actions. These plans are executed through suitable channels, including website, subscriber alerts, publications, public outreach, licensee training, and social media. This approach provides flexibility and enables staff to effectively inform and communicate with stakeholders.

**4.2. Identify and use additional resources for public and licensee outreach services to implement the communication plan.**

Status: The Board continues utilizing new resources to reach out to the public and licensees. Besides print materials, the Board communicates via multiple electronic media, including website, email alerts, social media. The Board also has set up a listserv for disseminating news, online webinars, live and teleconference training events, and teleconference meetings that enable widespread public participation.

**4.3. Establish a process to collect email addresses and mobile numbers for text messaging from all licensees for better ability to improve communication.**

Status: The Board has largely achieved this goal through regulations requiring pharmacists, intern pharmacists, pharmacy technicians and designated representatives to register their email addresses to receive subscriber alerts. It is likely that legislation would be needed to require licensees to provide mobile numbers for texts from the Board.

**4.4. Provide implementation guidance on newly enacted changes to pharmacy law by publishing summaries and explaining implementation tactics.**

Status: The Board maintains a pharmacy lawbook online and publishes annual summaries of new laws online and in The Script. The Board also issues subscriber alerts and publishes FAQs and guidance on major laws and policies.

**4.5. Inspect pharmacies at least once every four years to provide a forum for licensee-inspector communication and education in practice settings.**

Status: Besides field visits, the Board continues to promote communications with licensees through brochures, a video, and information in the Script regarding inspections.

**4.6. Communicate the availability of new or specified pharmacy services and locations so that the public is aware of pharmacies that can meet their needs.**

Status: The Board has created an online search tool to help consumers find drug take-back locations and an online registry for pharmacies providing contraception, naloxone, HIV PrEP/PEP medications, vaccinations, and other authorized health care services.

**4.7. Revise consumer-facing materials (e.g., posters, point-to-your-language notices, television messages) to achieve better consumer understanding of their rights and optimal use of medications.**

Status: The Board continues to develop and update consumer information materials, including a current proposal to revise the Notice to Consumers.

**4.8. Promote board initiatives to improve patient knowledge, medication adherence, and medication safety.**

Status: This goal is an ongoing priority for the Board. Efforts include updating the Notice to Consumers, promoting consumer messages on social media, and returning to community outreach events as conditions improve following the COVID-19 pandemic.

**h. Update on Communication and Public Education Activities by Staff**

**1. The Script**

Staff is working on articles and disciplinary case summaries for the next issue of the Script. Publication is planned for August 2022.

**2. Staff Outreach**

Staff provided CE training for pharmacists on prescription drug abuse and diversion on May 19, 2021, via WebEx. About 600 registrants participated in the event.

In addition, the Executive Officer provided presentations on Pharmacy Law:

- May 1, 2021, CPhA Pharmacy Law and Practice Conference.
- June 19, CPhA Western Exchange.

**3. News Media**

Staff responded to news media inquiries listed in **Attachment 5**.

**i. Future Meeting Dates**

The final meeting of the Communication and Public Education Committee in 2021 is set for Wednesday, October 27.

**Adjournment**

**Upon Conclusion of Business**

# **Attachment 1**

**Communication and Public Education  
Committee Meeting Minutes  
April 29, 2021**



**COMMUNICATION AND PUBLIC EDUCATION COMMITTEE**  
**DRAFT MEETING MINUTES**

**Date:** April 29, 2021

**Location:** Teleconference

**Members Present:** Ricardo Sanchez, Public Member, Chairperson  
Jason Weisz, Public Member, Vice Chairperson  
Shirley Kim, Public Member  
Seung Oh, Licensee Member

**Staff Present:** Anne Sodergren, Executive Officer  
Eileen Smiley, DCA Staff Counsel  
Debbie Damoth, Administration Manager  
Bob Dávila, Public Information Officer

**a. Call to Order and Establishment of Quorum**

Chairperson Sanchez called the meeting to order at 1 p.m. Present: Kim, Oh, Weisz, Sanchez. Quorum established.

**b. Public Comment for Items Not on the Agenda; Matters for Future Meetings**

No public comment or matters for future meetings.

**c. Approval of the January 27, 2021, Communication and Public Education Committee Meeting Minutes**

M/S: Weisz/Kim

Yes: Kim, Weisz, Sanchez.

No: None.

Abstain: Oh.

**d. Discussion and Consideration of Possible Changes to the Notice to Consumers Poster/Display**

Chairperson Sanchez noted the committee is considering possible changes to update the Notice to Consumers poster. He cited relevant Business and Professions Code (BPC) sections 733 and 4122 and California Code of Regulations (CCR) section 1707.6

Staff presented the committee with two wording options for the notice that focused on preventing medication errors, based on the committee's meeting discussion in January 2021. Staff noted Option 1 is concise but could require changes to BPC sections 733 and 4122, while Option 2 would not require BPC changes.

Steven Gray noted neither option informs consumers of their important right to have the medication purpose printed on the label if requested by the prescriber. Staff explained the intent was to avoid having too much information printed on the notice. Staff said additional information could be communicated through brochures, flyers, or other types of materials.

The committee directed staff to work with counsel and report back on possible language to modify CCR section 1707.6 to incorporate Option 1. Staff also was directed to report back on possible language to modify BPC sections 4122 and 733 – for example, requiring pharmacies to provide information on a receipt rather than the Notice to Consumers.

**e. Discussion and Consideration of Self-Assessment Process**

Chairperson Sanchez said the Enforcement Committee noted many licensees either fail to complete self-assessment forms as required by CCR section 1715 or indicate compliance with pharmacy laws but then are found actually to be noncompliant. The Board president directed the Communications and Public Education Committee to discuss and consider developing an online process for performing self-assessments that would engage licensees and enable the Board to verify the self-assessment was performed.

Staff reported ideas for creating a more interactive self-assessment process, based on discussions with DCA's SOLID unit. Options included creating an electronic self-assessment form hosted on the Board's website, and an online form hosted by Survey Monkey. Both options would provide the Board with a record of completion by licensees. Staff said technical requirements, staffing, cost, and other details would require more research.

Committee members supported changing the self-assessment process and suggested enabling PICs to complete and save the electronic form in sections rather than all at one time. The committee directed staff to refine the options with SOLID and report back on additional details to implement an interactive self-assessment process.

Steven Gray recommended an online process include a means to record the signature of a representative of the pharmacy owner who has reviewed the completed self-assessment form as required.

**f. Update on Communication and Public Education Activities by Staff**

**1. The Script**

Chairperson Sanchez reported the latest issue of The Script was published in March with articles on new pharmacy laws and CURES reporting requirements for 2021 as well as links to all disciplinary cases closed by the Board in 2020.

**2. Staff Outreach**

Chairperson Sanchez reported staff provided presentations on the pharmacist licensure process to students at UCSF on March 11, Touro University on March 16, UCSF on March



18, and California Northstate University on March 25. Staff also planned to provide CE training for pharmacists on prescription drug abuse and diversion on May 19, 2021.

3. News Media

Chairperson Sanchez reported staff responded to news media inquiries listed in the meeting materials.

**g. Future Meeting Dates**

Chairperson Sanchez announced the remaining dates for committee meetings in 2021 are July 14 and October 27.

**Adjournment**

At 1:31 p.m.

# **Attachment 2**

- 1. Current Notice to Consumers Poster**
- 2. Option 1 Wording**
- 3. CCR Section 1707.6 – Proposed Modified Text**
- 4. BPC Sections 733 and 4122**

# Ask Your Pharmacist!

**You have the right to ask the pharmacist for:**

## **Easy-to-read type**

You have the right to ask for and receive from any pharmacy prescription drug labels in 12-point font.

## **Interpreter services**

Interpreter services are available to you upon request at no cost.

## **Drug pricing**

You may ask this pharmacy for information on drug pricing and use of generic drugs.

California law requires a pharmacist to speak with you every time you get a **new** prescription.

Before taking your medicine, be sure you know:

- 1** The name of the medicine and what it does.
- 2** How and when to take it, for how long, and what to do if you miss a dose.
- 3** Possible side effects and what you should do if they occur.
- 4** Whether the new medicine will work safely with other medicines or supplements.
- 5** What foods, drinks, or activities should be avoided while taking the medicine.

**Ask the pharmacist if you have any questions.**

This pharmacy must provide any medicine or device legally prescribed for you, unless:

- It is not covered by your insurance;
- You are unable to pay the cost of a copayment;
- The pharmacist determines doing so would be against the law or potentially harmful to health.

If a medicine or device is not immediately available, the pharmacy will work with you to help you get your medicine or device in a timely manner.



**BE AWARE AND TAKE CARE:**  
Talk to your pharmacist!  
CALIFORNIA STATE BOARD OF PHARMACY

2720 Gateway Oaks Drive, Suite 100 • Sacramento, CA 95833  
(916) 518-3100 • [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov)



## Proposed Wording for Notice to Consumers Poster – Option 1

### KNOW YOUR RIGHTS (headline)

- California law requires a pharmacist to speak with you:
  - Upon your request.
  - Every time you get a new prescription.
  - Every time you get a new prescription dosage form, strength, or written directions.
- Interpreter services are available to you upon request at no cost. Scan barcode for more information: \_\_\_\_\_

**Commented [TS1]:** Question: Where should this be added in the Regulatory Text? Or should it be added?  
Recommendation - do not use because compliance by the pharmacy would be too difficult on (rolling) video.  
*Scan barcode for more information:*

### Before you leave the pharmacy, CHECK:

- The patient name on the label is correct.
- The medication matches the description on the label.
- The name of the medication and what it does.
- How and when to take the medication, for how long, and what to do if you miss a dose.
- Possible side effects and what to do if they occur.
- Whether the medication will work safely with other medicines or supplements.
- What foods, drinks, or activities you should avoid while taking the medication.

### TALK TO THE EXPERT. TALK TO YOUR PHARMACIST. \_\_\_\_\_

**Commented [DB2]:** Add tagline to encourage personal contact between consumers and their pharmacist to guard against medication errors.

### Got a complaint? Contact:

California State Board of Pharmacy  
2720 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833  
(916) 518-3100  
[www.pharmacy.ca.gov](http://www.pharmacy.ca.gov)



[This is the Regulation that will be revised. Underline is text that will be added. ~~Strikethrough~~ is text that will be deleted.]

## § 1707.6. Notice to Consumers.

(a) In every pharmacy there shall be prominently posted, in a place conspicuous to and readable by a prescription drug consumer, a notice containing the text in subdivision (b). Each pharmacy shall use the standardized poster-sized notice provided or made available by the board, unless the pharmacy has received prior approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval. As an alternative to a printed notice, the pharmacy may also or instead display the notice on a video screen located in a place conspicuous to and readable by prescription drug consumers, so long as: (1) The video screen is at least 24 inches, measured diagonally; (2) The pharmacy utilizes the video image notice provided by the board; (3) The text of the notice remains on the screen for a minimum of 60 seconds; and (4) No more than five minutes elapses between displays of any notice on the screen, as measured between the time that a one-screen notice or the final screen of a multi-screen notice ceases to display and the time that the first or only page of that notice re-displays. The pharmacy may seek approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval.

Commented [TS3]: What about drive-through pharmacies?

(b) The notice shall contain the following text:

### NOTICE TO CONSUMERS KNOW YOUR RIGHTS

California law requires a pharmacist to speak with you upon your request, every time you get a new prescription, every time you get a new prescription dosage form, strength, or written directions.

*You have the right to ask for and receive from any pharmacy prescription drug labels in 12-point font.*

*Interpreter services are available to you upon request at no cost.*

### TALK TO THE EXPERT – SPEAK WITH YOUR PHARMACIST

*Before you leave the pharmacy, CHECK taking your medicine, be sure you know:*

- the patient name on the label is correct;
- the medication matches the description on the label;
- the name of the medicine and what it does;

- how and when to take it the medication, for how long, and what to do if you miss a dose;
- possible side effects and what you should to do if they occur;
- whether the new medicine medication will work safely with other medicines or supplements; and
- what foods, drinks, or activities should be avoided while taking the medicine.

The address and contact information for patients to send any complaints about the pharmacy:

California State Board of Pharmacy  
2720 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833  
(916) 518-3100  
www.pharmacy.ca.gov.

Ask the pharmacist if you have any questions.

~~This pharmacy must provide any medicine or device legally prescribed for you, unless it is not covered by your insurance; you are unable to pay the cost of a copayment; or the pharmacist determines doing so would be against the law or potentially harmful to health. If a medicine or device is not immediately available, the pharmacy will work with you to help you get your medicine or device in a timely manner.~~

~~You may ask this pharmacy for information on drug pricing and of generic drugs.~~

**Commented [TS4]:** This is no longer in the notice but is covered in subdivision (d) which is added below.

(c) Every pharmacy, in a place conspicuous to and readable by a prescription drug consumer, at or adjacent to each counter in the pharmacy where dangerous drugs are dispensed or furnished, shall post or provide a notice containing the following text:

*Point to your language.* Interpreter services will be provided to you upon request at no cost.

~~This text shall be repeated in at least the following languages: Arabic, Armenian, Cambodian, Chinese Cantonese, Farsi, Hindi, Hmong, Japanese, Laotian, Korean, Mandarin, Punjabi, Russian, Spanish, Thai, Tagalog, and Vietnamese.~~

**Commented [TS5]:** Do you want to take the opportunity to update the required languages? For example, in 2017, to comply with Section 1557 of the Affordable Care Act, the Medi-Cal Managed Care Program required Medi-Cal Plans to post taglines to inform members of the availability of language services for the top 16 non-English languages spoken by LEP individuals. These languages are based on the December 2015 U.S. Census data. They include these languages and more:  
 -Chinese (replaces Cantonese and Mandarin)  
 -Hindi  
 -Japanese  
 -Laotian  
 -Punjabi  
 -Thai

Each pharmacy shall use the standardized notice provided or made available by the board, unless the pharmacy has received prior approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval.

The pharmacy may post this notice in paper form or on a video screen if the posted notice or video screen is positioned so that a consumer can easily point to and touch the statement identifying the language in which he or she requests assistance.

Otherwise, the notice shall be made available on a flyer or handout clearly visible from and kept within easy reach of each counter in the pharmacy where dangerous drugs are dispensed or furnished, available at all hours that the pharmacy is open. The flyer or handout shall be at least 8 1/2 inches by 11 inches.

(d) Every pharmacy shall either post or provide on the patient's written receipt a statement describing patients' rights per Business and Professions Code sections 733 and 4122.

Note: Authority cited: Sections 4005 and 4122, Business and Professions Code.  
Reference: Sections 733, 4005, 4076.5 and 4122, Business and Professions Code.



**Statutes and notes:**

**BPC 4122**

(a) In every pharmacy there shall be prominently posted in a place conspicuous to, and readable by, prescription drug consumers a notice provided by the board concerning the —availability of prescription price information, —the possibility of generic drug product selection, —the type of services provided by pharmacies, and —a statement describing patients’ rights relative to the requirements imposed on pharmacists pursuant to Section 733. The format and wording of the notice shall be adopted by the board by regulation. A written receipt that contains the required information on the notice may be provided to consumers as an alternative to posting the notice in the pharmacy.

**Commented [TS6]:** Must Be in Notice or on Written Receipt.  
-availability of price information  
  
-possibility of generic drug product selection  
  
-type of services provided by pharmacies  
  
-statement describing patient’s rights relative to 733

**BPC 733.**

(a) A licentiate shall not obstruct a patient in obtaining a prescription drug or device that has been legally prescribed or ordered for that patient. A violation of this section constitutes unprofessional conduct by the licentiate and shall subject the licentiate to disciplinary or administrative action by his or her licensing agency.

(b) Notwithstanding any other law, a licentiate shall dispense drugs and devices, as described in subdivision (a) of Section 4024, pursuant to a lawful order or prescription unless one of the following circumstances exists:

(1) Based solely on the licentiate’s professional training and judgment, dispensing pursuant to the order or the prescription is contrary to law, or the licentiate determines that the prescribed drug or device would cause a harmful drug interaction or would otherwise adversely affect the patient’s medical condition.

(2) The prescription drug or device is not in stock. If an order, other than an order described in Section 4019, or prescription cannot be dispensed because the drug or device is not in stock, the licentiate shall take one of the following actions:

(A) Immediately notify the patient and arrange for the drug or device to be delivered to the site or directly to the patient in a timely manner.

(B) Promptly transfer the prescription to another pharmacy known to stock the prescription drug or device that is near enough to the site from which the prescription or order is transferred, to ensure the patient has timely access to the drug or device.

(C) Return the prescription to the patient and refer the patient. The licentiate shall make a reasonable effort to refer the patient to a pharmacy that stocks the prescription drug or device that is near enough to the referring site to ensure that the patient has timely access to the drug or device.

(3) The licentiate refuses on ethical, moral, or religious grounds to dispense a drug or device pursuant to an order or prescription. A licentiate may decline to dispense

**Commented [TS7]:** Required by 4122 to be in the Notice or on a Written Receipt.  
Statement describing patient’s rights relative to pharmacists’ requirement under 733.  
Pharmacy must provide any medicine or device legally prescribed, unless:  
1) pharmacist determines dispensing medication or device is against the law or potentially harmful to health; or  
  
2) the prescription drug or device is not in stock – pharmacy must notify the patient and arrange for drug or device to be delivered to the site or directly to the patient in timely manner, or transfer prescription to nearby pharmacy that has the drug or device in stock so patient has timely access, or return the prescription to the patient and make reasonable effort to refer the patient to a nearby pharmacy that stocks the drug or device so the patient has timely access; or  
  
3) pharmacist refuses based on ethical, moral, or religious grounds to dispense the drug or device and has notified their employer in writing of their objection; the pharmacy must have protocols that ensure the patient has timely access to the drug or device; or  
  
4) the medication or devices is not covered by the patient’s insurance and the patient is unable to pay for the medication or device, or if covered by the patient’s insurance, the patient is unable to pay the copayment,



a prescription drug or device on this basis only if the licentiate has previously notified his or her employer, in writing, of the drug or class of drugs to which he or she objects, and the licentiate's employer can, without creating undue hardship, provide a reasonable accommodation of the licentiate's objection. The licentiate's employer shall establish protocols that ensure that the patient has timely access to the prescribed drug or device despite the licentiate's refusal to dispense the prescription or order. For purposes of this section, "reasonable accommodation" and "undue hardship" shall have the same meaning as applied to those terms pursuant to subdivision (l) of Section 12940 of the Government Code.

(c) For the purposes of this section, "prescription drug or device" has the same meaning as the definition in Section 4022.

(d) This section applies to emergency contraception drug therapy and self-administered hormonal contraceptives described in Section 4052.3.

(e) This section imposes no duty on a licentiate to dispense a drug or device pursuant to a prescription or order without payment for the drug or device, including payment directly by the patient or through a third-party payer accepted by the licentiate or payment of any required copayment by the patient.

(f) The notice to consumers required by Section 4122 shall include a statement that describes patients' rights relative to the requirements of this section.

# **Attachment 3**

## **DUI Information for Licensees**

## DUI Conviction – Did You Know?

Driving under the influence (DUI) is a criminal offense. But did you know a DUI conviction also can result in serious consequences for your Board of Pharmacy license?

Under Business and Professions Code (BPC) [section 4301](#), the Board shall take disciplinary action against any licensee who is guilty of “unprofessional conduct.” The provisions of BPC section 4301 define specific types of acts that constitute “unprofessional conduct,” including:

- Subsection (k): “The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcohol, or any combination of those substances.”
- Subsection (l): “The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.”

What does “substantially related” mean? California Code of Regulation, title 16, [section 1770](#) states that for the purpose of a license denial, suspension, or revocation, “(A) crime or act shall be considered substantially related to the qualifications, functions, or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.”

In addition, BPC [section 4311](#) authorizes license suspension for conviction of a felony. BPC 4311(c) states a Board license shall be suspended “if the Board determines that the felony conviction ... is substantially related to the qualifications, functions, or duties of the licensee.”

Licensees should remember that criminal behaviors outside the workplace – including DUI – can result in denial, suspension, or revocation of a license issued by the Board of Pharmacy. **Don’t drink or take dangerous drugs and drive.**

###

# **Attachment 4**

## **FAQs Regarding Electronic Data Transmission Prescriptions**

**From:** [Board of Pharmacy Pharmacists](#) on behalf of [California State Board of Pharmacy](#)  
**To:** [PHARM-RPH@SUBSCRIBE.DCALISTS.CA.GOV](mailto:PHARM-RPH@SUBSCRIBE.DCALISTS.CA.GOV)  
**Subject:** FAQs: Electronic Data Transmission Prescriptions  
**Date:** Monday, June 21, 2021 9:49:14 AM

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[EXTERNAL]: owner-pharm-rph@SUBSCRIBE.DCALISTS.CA.GOV

**CAUTION:** THIS EMAIL ORIGINATED OUTSIDE THE DEPARTMENT OF CONSUMER AFFAIRS!

**DO NOT:** click links or open attachments unless you know the content is safe.

**NEVER:** provide credentials on websites via a clicked link in an Email.

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## FAQs: Electronic Data Transmission Prescriptions

The California State Board of Pharmacy is preparing frequently asked questions (FAQs) to help educate licensees about Business and Professions Code (BPC) [section 688](#), a comprehensive law regarding electronic data transmission prescriptions. Key provisions of the law take effect January 1, 2022.

The Board urges licensees and stakeholders to read the [full text of BPC section 688](#) and to send questions to be addressed in FAQs to [edtFAQs@dca.ca.gov](mailto:edtFAQs@dca.ca.gov). Although the FAQs may not be able to answer all questions, issues that arise during implementation of BPC 688 may be directed to the Board's [Ask an Inspector](#) program.

### Key provisions of BPC section 688 include:

- Beginning January 1, 2022, health care practitioners who are authorized to issue prescriptions shall have capability to send electronic data transmission prescriptions.
- Beginning January 1, 2022, pharmacies shall have capability to receive electronic data transmission prescriptions.
- Beginning January 2, 2022, a prescription issued by a health care practitioner shall be issued as an electronic data transmission prescription subject to some exceptions.

### The law does not apply to the following specific situations:

- Prescriptions issued pursuant to section 11159.2 of the Health and Safety Code.
- An electronic data transmission prescription is not available due to a temporary technological or electrical failure – meaning failure of a computer system, application, or device; the loss of electrical power to that system, application, or device; or any other service interruption affecting the certified electronic data transmission prescription application used to transmit the prescription.
- The prescribing health care practitioner is issuing a prescription to be dispensed by a pharmacy located outside California.
- A prescription issued in a hospital emergency department or urgent care clinic when at least one of the following conditions is present:
  - a. The patient resides outside California.

- b. The patient resides outside the geographic area of the hospital.
- c. The patient is homeless or indigent and does not have a preferred pharmacy.
- d. The prescription is issued at a time when a patient's regular or preferred pharmacy is likely to be closed.

Under any of conditions a, b, c, and d, a prescription shall be electronically issued but does not require electronic transmission and may be provided directly to the patient.

- The prescription is issued by a veterinarian.
- The prescription is for eyeglasses or contact lenses.
- The prescribing health care practitioner and the dispenser are the same entity.
- The prescribing health care practitioner reasonably determines it would be impractical for the patient to obtain the prescribed substances in a timely manner, and the delay would adversely impact the patient's medical condition.
- The prescription includes elements not covered by the latest version of the National Council for Prescription Drug Programs' SCRIPT standard.

**Other key provisions of BPC section 688 include:**

- A health care practitioner who issues a prescription for a controlled substance but does not transmit the prescription as an electronic data transmission prescription shall document the reason in the patient's medical record as soon as practicable and within 72 hours of the end of the technological or electrical failure that prevented the electronic data transmission of the prescription.
- A pharmacy that receives an electronic data transmission prescription but has not dispensed the medication to the patient shall, at the request of the patient or other authorized person, immediately transfer or forward the electronic data transmission prescription to an alternative pharmacy.
- If a pharmacy or its staff is aware an attempted transmission of an electronic data transmission prescription failed, is incomplete, or is otherwise not appropriately received, the pharmacy shall immediately notify the prescribing health care practitioner.
- A pharmacist who receives a written, oral, or faxed prescription shall not be required to verify that the prescription properly falls under one of the exceptions above and may continue to dispense medications from legally valid written, oral, or fax prescriptions.

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To unsubscribe from the PHARM-RPH list, click the following link:  
<https://www.dca.ca.gov/webapps/pharmacy/subscribe.php>

# **Attachment 5**

## **News Media Inquiries**

## **News Media Inquiries**

Board staff responded to the following news media inquiries:

- April 29, 2021: Tiffany Dobbyn, Capitol Morning Report, regarding terms for newly elected Board officers.
- May 7, 2021: Angelica LaVito, Bloomberg, regarding pharmacies contributing to Californian's access to contraceptives.
- May 13, 2021: Pam Marino, Monterey County Weekly, regarding pharmacist who provided a COVID-19 vaccination to a 12-to-15-year-old person ahead of approval for vaccines for that age group.