



COMMUNICATION AND PUBLIC EDUCATION COMMITTEE

Ricardo Sanchez, Public Member, Chairperson
Jason Weisz, Public Member, Vice Chairperson
Jose De La Paz, Public Member
Shirley Kim, Public Member
Nicole Thibeau, Licensee Member
Deborah Veale, Licensee Member

a. **Discussion and Consideration of Recommended Changes to the Notice to Consumers Poster/Display and Suggested Revisions to California Code of Regulations, Division 7, Title 16, Section 1707.6**

Relevant Law

Business and Professions Code (BPC) section 733 in general terms establishes that a licensee cannot obstruct a patient from obtaining a prescription drug. Further this section provides that a notice to consumers shall include a statement that describes the rights established.

BPC 4122 requires pharmacies to prominently post specified information concerning the availability of types of services provided by pharmacies as well as the information required in BPC 733 as specified. The section also provides that a written receipt containing the same information may be provided in lieu of the posting of the notice.

CCR section 1707.6 further establishes the requirements for the notice "Notice to Consumers" including provisions for alternate forms of posting. The test of the notice itself is also explicitly provided in the regulation language. Separate from the Notice to Consumer but also included in this section is a requirement for pharmacies to provide a notice regarding the availability of interpreter services.

Background

During several meetings the committee has discussed the regulation language and the Notice to Consumers poster (Notice). A copy of the current poster is in **Attachment 1**.

The committee determined the Notice and the regulation language should include a focus on steps to reduce medication errors. Most recently, [at the July 14 committee meeting](#), the committee continued its discussion on proposed changes to the regulation and Notice established in the regulation section. The committee also spoke of support of some of the changes offered by staff including adding "Talk to the expert. Talk to your pharmacist."

In addition, staff asked if CCR 1707.6 should be amended:

- To require pharmacies to place the notice in specific locations where consumers pick up their medications, such as drive-through windows; and
- To increase the requirement for the separate [Point to Your Language](#) notice from 12 to the 16 languages as currently required for Medi-Cal providers.

Staff also asked if language should be added to CCR 1707.6 to encompass requirements in [BPC section 4122](#) and [BPC section 733](#).

Committee members said the Notice should be conspicuous and readable by consumers. The committee also supported adding languages required by Medi-Cal to the Point to Your Language notice and adding a new subsection to address BPC sections 4122 and 733. The committee approved a motion recommending the Board initiate rulemaking to amend CCR 1707.6 as provided in the meeting materials.

However, at the July 28 Board meeting, Board members supported adding a QR code to link consumers to a website with the Notice to Consumers printed in other languages. The Board returned the matter to the committee with directions to research using a QR code and changing the Point to Your Language requirement to match Medi-Cal requirements.

At Today's Meeting

Staff is presenting proposed language to modify CCR 1707.6 based on direction from the Board and this committee. A draft of the proposed language is in **Attachment 1**.

The key changes include:

- **In subsection (a)**, the proposed language would require pharmacies to place the Notice to Consumers in places that are conspicuous and physically accessible to consumers so that consumers can scan a QR code printed on the notice to obtain a translation of the notice. This would require notices to be placed wherever consumers pick up their prescription medications, including drive-through windows.
- **In subsection (b)**, the proposed language would require the notice to include a QR code that alerts and assists consumers in obtaining a translation of the notice in the top 16 languages spoken by Californians with limited English proficiency, as determined by the U.S. Department of Health and Human Services, Office of Civil Rights; and the California Department of Health Care Services. This would bring the regulation in line with current Medi-Cal requirements.
- **In subsection (c)**, the proposed language would require the Point to Your Language notice to be printed in the top 16 languages required in subsection (b). This would bring the regulation in line with current Medi-Cal requirements.

- **The proposed language would add a subsection (d)** to the regulation requiring pharmacies to either post or provide on the patient’s written receipt a statement describing patients’ rights per BPC 733 and BPC 4122.

Staff recommends the committee discuss and consider the proposed language to modify CCR 1707.6. The following questions may be appropriate for the Committee to consider.

1. As drafted, the proposed language for 1707.6(a) could require posting the notice in multiple locations within a pharmacy, for example, at a drive-thru window. Staff believes such a change is consistent with the policy goal to ensure consumers have access to the information. Does the committee approve the proposed language for 1707.6(a)?
2. As drafted, the proposed language for 1707.6(a) could require posting the Notice at automated drug delivery systems (ADDS). Does the committee believe the Notice should be required for ADDS devices?
3. As drafted, the proposed language for 1707.6(b) does not specify how to alert consumers the QR code can be used to obtain a translation of the Notice. One option is to print “Translations Available” next to the QR code. Another is to list taglines for the 16 different language translations next to QR code. Does the committee approve of either option or prefer another solution?
4. As drafted, the proposed language for 1707.6 (c) requires the Point to your Language notice to be printed with the top 16 languages which is consistent with Medi-Cal Managed Care Plan requirements. The ACA requires the top 15 language. Does the committee prefer the Medi-Cal standard, the ACA standard, or something else? Should this standard also apply to the translations of the Notice to Consumers required in 1707.6(b)?

Following committee member and public comments, the committee could consider a motion recommending the Board initiate rulemaking based on the proposed language; or provide other direction to staff.

b. Update on Communication and Public Education Activities by Staff

1. The Script

The [current issue of the Script](#) was published in September. The newsletter includes articles on new e-prescribing requirements; new regulations; top 10 citations, violations, and corrections ordered in 2020-21; and summaries of all disciplinary actions effective in January through June 2021. The next issue will include an annual update on new pharmacy laws and is expected to be published in early 2022.

2. Staff Outreach

Board inspectors and staff provided continuing education training for pharmacists on prescription drug abuse and diversion on August 11, 2021, via WebEx. About 400 attended the event.

In addition, Executive Officer Anne Sodergren served as a panelist at the following events:

- August 4, “HIV PEP and PrEP: Furnishing by Pharmacists.”
- August 17, “Emergency Preparedness and Response – The Pharmacist’s Role and Contributions to a Public Health Crisis.”

3. News Media

Staff responded to news media inquiries listed in **Attachment 2**.

4. Conversion of Self-Assessment Process to Online

Staff is continuing to research online, interactive options for the Board’s [self-assessment forms](#). Staff has reached out to DCA’s Office of Information Services (OIS) to discuss creating a process that would enable licensees to complete and sign the form online and also would provide verification to the Board that the self-assessment was performed.

Attachment 1

- 1. Proposed Language for CCR 1707.6**
- 2. Notice to Consumers poster**

[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).~~ Every pharmacy shall post a notice containing the text in subsection (b) and shall place the notice in a conspicuous place, physically accessible to a prescription drug consumer (consumer) so that the consumer can easily read the notice, and use the QR code displayed on the notice to obtain language translation of the notice. Such notice shall be posted at all locations where a consumer receives medication. 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 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; (4) The video screen utilizes QR code technology for the consumer to access translation of the notice, with sufficient display time for consumers to access the QR code; and (5) 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.

(b) The notice shall contain the following text: It must also include a QR code that assists limited-English-proficient individuals and alerts consumers that the QR code may be used to obtain a translation of the notice. Consumers must be able to use the QR code to obtain translation of the notice in the top 16 languages spoken by limited-English-proficient individuals in California, as determined by the U.S. Department of Health and Human Services, Office of Civil Rights and the California Department of Health Care Services.

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, and 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 name of the medicine and what it does; how and when to take it, for how long, and what to do if you miss a dose; possible side effects and what you should do if they occur; whether the new medicine will work safely with other medicines or supplements; and what foods, drinks, or activities should be avoided while taking the medicine. Ask the pharmacist if you have any questions.~~

- 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 the medication, for how long, and what to do if you miss a dose;
- possible side effects and what you should do if they occur;
- whether the 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 consumers 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

~~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.~~

(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 the top 16 languages spoken by limited-English-proficient individuals in California, as determined by the U.S. Department of Health and Human Services, Office of Civil Rights, and the California Department of Health Care Services.

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

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.

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



Attachment 2

News Media Inquiries

News Media Inquiries

Board staff responded to the following news media inquiries received since the report to the Communication and Public Education Committee:

- June 25, 2021: Angelica LaVito, Bloomberg News, regarding Enforcement Committee informational meeting on white bagging.
- July 11, 2021: Michael Joe, Point Reyes Light, regarding disciplinary action against RPH Zsuzanna Biran and West Marin Pharmacy.