



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. **Call to Order and Establishment of Quorum**
- b. **Public Comment for Items Not on the Agenda; Matters for Future Meetings**
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 July 14, 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 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 licentiate 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 text 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 2**.

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 2**.

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.

e. 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 3**.

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.

f. Future Meeting Dates

Meetings for the Communication and Public Education committee in 2022 are scheduled:

- Wednesday, January 19.
- Tuesday, April 26.
- Tuesday, July 19.
- Tuesday, October 25.

Adjournment

Upon Conclusion of Business

Attachment 1

**Communication and Public Education
Committee Meeting – July 14, 2021
DRAFT Minutes**



California State Board of Pharmacy
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833
Phone: (916) 518-3100 Fax: (916) 574-8614
www.pharmacy.ca.gov

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



COMMUNICATION AND PUBLIC EDUCATION COMMITTEE
MEETING MINUTES – DRAFT

Date: July 14, 2021

Location: Teleconference

Members Present: Ricardo Sanchez, Public Member, Chairperson
Jason Weisz, Public Member, Vice Chairperson
Shirley Kim, Public Member

Staff Present: Anne Sodergren, Executive Officer
Eileen Smiley, DCA Staff Counsel
Sheila Tatayon, DCA Staff Counsel
Antony Ngondara, Supervising Inspector
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 2 p.m. Present: Kim, Weisz, Sanchez.
Quorum established.

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

Moderator opened lines for public comment. No public comment.

c. Approval of the April 29, 2021, Communication and Public Education Committee Meeting Minutes

Motion: Accept the minutes.

M/S: Weisz/Sanchez

Moderator opened lines for public comment. No public comment.

Yes: Kim, Weisz, Sanchez.

No: None.

Abstain: None.

d. Discussion and Consideration of Recommended Changes to the Notice of Consumers Poster/Display and Suggested Revisions to California Code of Regulations, Division 17, Title 16, Section 1707.6

Staff presented proposed language to modify CCR 1707.6(b) to incorporate wording changes for the Notice to Consumers poster/display approved by the committee April 29, 2021, and identified in the meeting materials as Option 1. Staff also recommended:

- Dropping the proposed use of a QR barcode for information about interpretive services because it would not be technically workable for displaying the Notice to Consumers in a looped video message.
- Adding a tagline – “Talk to the expert. Talk to your pharmacist.” – to encourage communication between consumers and their pharmacist to protect against medication errors.

Staff presented other possible modifications to CCR 1707.6 and policy questions for Board consideration:

- Should CCR 1707.6(a) specifies the Notice to Consumers shall be located “in a place conspicuous to and readable by a prescription drug consumer.” A notice by the pharmacy counter might not be conspicuous and readable to consumers who use a drive-through window. Should the language be revised to require the poster/display be placed in specific locations?
- Should CCR 1707.6(c) be revised to change the languages or to increase the number of languages required for the notice regarding interpreter services? Staff noted the Affordable Care Act requires 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.
- Should a new subsection, CCR 1707.6(d), be added to the regulation to encompass the additional information BPC section 733 and 4122 require to be included in the Notice to Consumers?

Mr. Weisz asked if DCA has a set number of languages required for printed materials. Ms. Tatayon said the Affordable Care Act (ACA) and the American with Disabilities Act (ADA) require health care providers and health plan providers to provide interpreter services in the most spoken languages in a geographic area. In California, the Department of Health Care Services (which regulates Medi-Cal) and the Department of Managed Health Care (which regulates health care plans) have set the standard for languages as required by the ACA and ADA.

Mr. Weisz said he supported including all of the languages are required by the Department of Health Care Services. Ms. Tatayon noted the current notice regarding interpreter service has 12 languages and the Department of Health Care Services adds several more languages.

Mr. Weisz said he would move to accept the staff recommendations. Ms. Kim seconded the motion. Ms. Sodergren asked if Mr. Weisz's motion was addressing the proposed regulation language for CCR section 1707.6, which would encompass the poster wording as well as the other recommendations regarding subsections (c) and (d) of CCR section 1707.6.

Chairman Sanchez said the committee wants the Notice to Consumers to be should be "in a place conspicuous to and readable by a prescription drug consumer." He also supported adding subsection (d) to the regulation.

Chairman Sanchez said he supported all three possible modifications presented by staff. Mr. Weisz agreed and made a motion to move all items. Ms. Kim seconded the motion. Mr. Dávila asked if the motion also included the staff recommendations to drop the use of a QR barcode and to add the tagline encouraging consumers to talk to their pharmacist. Mr. Weisz agreed.

Ms. Sodergren suggested the committee's motion reflect the regulation language if the committee agreed the language is appropriate. Because the poster is included in the regulation language, approving the language would include the poster. The committee agreed.

Motion: Recommend to the Board initiation of a rulemaking to amend CCR section 1707.6, Notice to Consumers, as provided in the committee meeting materials.

M/S: Weisz/Kim

Moderator opened lines for public comment. No public comment.

Yes: Kim, Weisz, Sanchez.

No: None.

Abstain: None.

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

Staff presented an information sheet to educate licensees about the possible serious consequences of DUI conviction for their license. The information was drafted in response to Board members' concerns that licensees may not understand the serious impact a DUI conviction could have on their pharmacy license, including possible disciplinary action.

Staff said the information would be posted in a conspicuous location on the Board's website and published in the Script. The information also was submitted for DCA legal review.

Committee members had no comments and took no action on this item.

Moderator opened lines for public comment. No public comment.

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

Staff presented a draft of frequently asked questions (FAQs) regarding new requirements for electronic data transmission prescriptions effective January 1, 2022. The FAQs were drafted at the request of the Enforcement Committee to educate licensees about the requirements, which are mandated by BPC section 688.

Ms. Sodergren and Supervising Inspector Antony Ngondara advised the committee that a subscriber alert about BPC 688 was sent to solicit questions from licensees and Board inspectors for the FAQs. They said the draft FAQs were developed by supervising inspectors and reviewed by the Board's senior executives and DCA counsel.

Mr. Weisz asked how the FAQs are communicated to licensees. Staff said the FAQs would be disseminated through subscriber alerts, the Script, and the Board's website.

Chairman Sanchez asked about participation level and whether staff received many responses from licensees. Mr. Ngondara said no more than 15 questions were received from licensees. He said questions also were submitted by inspectors based on input they receive from licensees during field inspections. He said the FAQs are expected to generate more questions from licensees once they are disseminated. He added that subscriber alerts are the most effective way to get information to licensees.

Ms. Sodergren said the draft FAQs had been circulated to other DCA boards that regulate prescribers for feedback. Mr. Dávila said the Medical Board of California is also educating its licensees about the new electronic prescription requirements and that DCA may issue a news release as well.

Motion: Approve the draft FAQs.

M/S: Weisz/Kim

Moderator opened lines for public comment.

John Gray, a Kaiser Permanente pharmacist, thanked the Board for drafting the FAQs. He also said the FAQs do not address an important question raised by BPC section 688(g) regarding transferring or forwarding an electronic prescription that has not been dispensed to an alternative pharmacy.

Yes: Kim, Weisz, Sanchez.

No: None.

Abstain: None.

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

The committee reviewed the Board's communication and public education strategic goals on July 14, 2021.

Member Weisz expressed support for retaining the current goals and asked how COVID-19 has affected outreach to the public and licensees. Mr. Dávila said outreach has increased as the Board has used its website, newsletter, and subscriber alerts to communicate information about pharmacy law waivers, guidance documents, and other pandemic-related information from the Board as well as other state agencies. Ms. Sodergren said the Board also has transitioned from in-person training for licensees to a web-based platform, which also has expanded its reach.

Member Kim expressed support for the continued use of technology and other forms of communication to increase access to the public and licensees.

Motion: Accept the current communication and public education goals.

M/S: Weisz/Kim.

Moderator opened lines for public comment. No public comment.

Yes: Kim, Weisz, Sanchez.

No: None.

Abstain: None.

h. Update on Communication and Public Education Activities by Staff

1. The Script

Staff reported working on articles and disciplinary case summaries for the next issue of the Script. Publication is planned for August 2021.

2. Staff Outreach

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

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 reported responding to news media inquiries listed in the meeting materials.

Committee members had no comments and took no action on this item.

Moderator opened lines for public comment. No public comment.

i. Future Meeting Dates

Chairperson Sanchez announced the committee's final meeting of 2021 is set for Wednesday, October 27.

Adjournment – 2:59 p.m.

Attachment 2

- 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 3

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.