



California State Board of Pharmacy
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833
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www.pharmacy.ca.gov

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



Notice of Board Meeting

Dates & Times: July 31, 2024, 1:00 p.m.
August 1, 2024, 9:00 a.m.

The California State Board of Pharmacy (Board) will meet by teleconference in accordance with Government Code section 11123.2 at the above-noted dates and times, with the following physical location available for members of the Board and the public to physically attend and participate in the meeting:

California Department of Consumer Affairs
1625 N. Market Blvd.
Hearing Room, First Floor
Sacramento, CA 95834

MEMBERS OF THE PUBLIC MAY PARTICIPATE FROM A REMOTE LOCATION BY JOINING THE MEETING VIA WEBEX:

WebEx for July 31, 2024: <https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m3650872d472e6d19af14a5b46289b1c0>

If joining using the link above

Webinar number: 2483 704 5907

Webinar password: CSBP731

If joining by phone

+1-415-655-0001 US Toll

Access code: 2483 704 5907

Passcode: 2727731

WebEx for August 1, 2024:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mb1c19d2f7ef24eed6dd04306de006b90>

If joining using the link above

Webinar number: 2486 770 0920

Webinar password: CSBP81

If joining by phone

+1-415-655-0001 US Toll

Access code: 2486 770 0920

Passcode: 272781

Members of the public may but are not required to identify themselves. 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 use a fictitious email address in the following sample format: XXXXX@mailinator.com.

Members of the public may also view a livestream of the meeting at <https://thedcapage.blog/webcasts>. Using the livestream link will allow only for observation with closed captioning. Livestream availability cannot be guaranteed due to resource limitations or technical difficulties. The meeting will not be cancelled if livestream becomes unavailable.

IMPORTANT NOTICES TO THE PUBLIC:

The time and order of agenda items are subject to change at the discretion of the Board president. If a quorum of the Board becomes unavailable, the president may, at their discretion, continue to discuss items from the agenda to make recommendations to the full Board at a future meeting (Government Code section 11125(c)).

The meeting is open to the public except when specifically noticed otherwise, in accordance with the Open Meeting Act.

The meeting is accessible to the physically disabled. To request disability-related accommodations, use the contact information below. Please submit your request at least five (5) business days before the meeting to help ensure availability of the requested accommodation.

Contact Person: Debbie Damoth
(916) 518-3090 or Debbie.Damoth@dca.ca.gov
Board of Pharmacy
2720 Gateway Oaks Drive, Suite 100
Sacramento CA 95833

The Board welcomes and encourages public participation at its meetings. The public may take appropriate opportunities to comment on any issue before the Board at the time the item is heard. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment. The Board also welcomes written public comments submitted in advance of the meeting. Such comments may be submitted to Debbie.Damoth@dca.ca.gov. The Board respectfully requests that such written comments be submitted at least two (2) business days in advance of the meeting to allow time for Board members and members of the public to receive and review the information.

Note: Pharmacists and pharmacy technicians who attend in person on August 1, 2024, may be awarded up to 6 hours of CE, in accordance with the Board's CE regulations. Sign-in and sign-out on the day of the meeting will be required for CE credit. No CE credit will be awarded for attending via WebEx or watching the livestream as the Board cannot verify attendance through these mediums.

Agenda

Discussion and action make be taken on any agenda item.

July 31, 2024

Call to Order

1:00 p.m.

- I. **Call to Order, Establishment of Quorum, and General Announcements (Including Possible Notifications, Actions, and Disclosures Pursuant to Government Code section 11123.2(j))**
- 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. **Recognition and Celebration of Pharmacists Licensed in California for 40 Years**
- IV. **Discussion and Possible Action Related to Proposed Regulations, Title 16, California Code of Regulations Repeal of Sections 1708.3, 1708.4, 1735 et seq and 1751 et seq and Addition of Sections 1735 et seq, 1736 et seq, 1737 et seq, and 1738 et seq Related to Compounded Drug Preparations, Including Review of Any Comments Received During the 45-Day Comment Period and Regulation Hearing**
- V. **Discussion and Possible Action related to Proposed Amendment to California Code of Regulations, Title 16, Section 1709.1 Related to Designation of Pharmacist-in-Charge, Including Review of Comments Received During the 15-Day Comment Period**
- VI. **Approval of Board Meeting Minutes**
 - a. April 24-25, 2024 Board Meeting
 - b. March 13, 2024 Disciplinary Petition Committee Meeting
 - c. May 8, 2024 Disciplinary Petition Committee Meeting
- VII. **Report by the California Department of Consumer Affairs**
- VIII. **Presentation on the Pharmacists Recovery Program**
- IX. **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 Settlements, Default Decisions, Petitions for Reinstatement or Modification of Penalty, and Any Other Disciplinary Matters
- b. 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)
- c. Pursuant to Government Code section 11126(e)(1), the Board will Convene in Closed Session to Confer with its Legal Counsel Regarding Pending Litigation
 - 1. *ASD Specialty Healthcare LLC, DBA Oncology Supply v. California State Board of Pharmacy et al., Los Angeles County Superior Court Case 24STCP00935*
 - 2. *Yana Budnitsky v. California State Board of Pharmacy, Los Angeles County Superior Court Case 24STCP01797*

X. Reconvene in Open Session to Adjourn for the Day

Adjournment will immediately follow closed session, and there will be no other items of business discussed. Adjournment for the day may not be viewable on livestream.

August 1, 2024

9:00 a.m.

XI. Discussion and Consideration of the Board's Strategic Plan

XII. Enforcement and Compounding Committee

The Board will review a summary of the Committee's work at its July 17, 2024 meeting, as well as updates for discussion and action as necessary.

- a. Summary of Presentation on Board's Inspection Program
- b. Summary of Presentation on Board's Citation Program
- c. Summary of Presentation on Quality Assurance Reports Received Pursuant to California Code of Regulations, Title 16, Section 1711(f) Related to the Use of Automated Drug Delivery Systems
- d. Draft Policy Statement Related to IV Hydration Clinics
- e. Updates to Frequently Asked Questions Related to Assembly Bill 1286 (Haney, Chapter 470, Statutes of 2023)
- f. Enforcement Statistics

XIII. Licensing Committee

The Board will review a summary of the Committee's work at its July 18, 2024 meeting, as well as updates for discussion and action as necessary.

- a. Proposed Amendment to Business and Professions Code (BPC) Sections 4038 and 4115.5 Related to Pharmacy Technician Trainees

- b. Survey Results Received Related to the Pharmacist to Pharmacy Technician Ratio
- c. Proposal to Establish Reinstatement of a Retired Pharmacist License, Including Proposed Amendment to BPC Section 4200.5
- d. Compounding by Pharmacy Technicians Outside of Pharmacies, Including Proposed Amendment to BPC Section 4115
- e. Summary of Presentation on Central Fill Pharmacy Models in Use in California
- f. Proposed Amendment to California Code of Regulations, Title 16, Section 1707.4 Related to Central Fill Pharmacies
- g. Licensure and Other Requirements for Nonresident Pharmacies, Including Proposed Amendment to BPC Section 4112
- h. Proposed Amendments to Pharmacy Law to Transition to a More Robust Standard of Care Model for Some Pharmacist-Provided Patient Care Services
- i. Senate Bill 523 (Leyva, Chapter 630, Statutes of 2022) Related to Contraception Access, Including Possible Amendment to BPC Sections 4052 and 4052.3
- j. Licensing Statistics

XIV. Communication and Public Education Committee

The Board will review a summary of the Committee's work at its July 18, 2024 meeting, as well as updates for discussion and action as necessary.

- a. Transition to a New Website Template
- b. Talk to the Expert Consumer Poster and Public Education Campaign
- c. Draft Educational Material Related to IV Hydration Clinics
- d. Communication and Public Education Activities by Staff
 - 1. *The Script*
 - 2. Staff Outreach
 - 3. Fake Botox
 - 4. News Media Inquiries

XV. Legislation and Regulation Committee

The Board will review a summary of the Committee's work at its July 17, 2024 meeting, as well as updates for discussion and action as necessary.

- a. Pending Legislation Impacting the Practice of Pharmacy, the Board's Jurisdiction, or Board Operations
 - 1. Assembly Bill 1842 (Reyes, 2024) Health Care Coverage: Medication-Assisted Treatment
 - 2. Assembly Bill 1902 (Alanis, 2024) Prescription Drug Labels: Accessibility
 - 3. Assembly Bill 2115 (Haney, 2024) Controlled Substances
 - 4. Assembly Bill 2169 (Bauer-Kahan, 2024) Prescription Drug Coverage: Dose Adjustments
 - 5. Assembly Bill 3063 (McKinnor, 2024) Pharmacies: Compounding
 - 6. Senate Bill 164 (Committee on Budgets, 2024) State Government
 - 7. Senate Bill 954 (Menjivar, 2024) Sexual Health

8. Senate Bill 966 (Wiener, 2024) Pharmacy Benefits
 9. Senate Bill 1067 (Smallwood-Cuevas, 2024) Healing Arts: Expedited Licensure Process: Medically Underserved Area or Population
 10. Senate Bill 1089 (Smallwood-Cuevas, 2024) Addressing Food Injustice: Notice of Grocery and Pharmacy Closures
 11. Senate Bill 1365 (Glazer, 2024) Pharmacy Technicians: Supervision
 12. Senate Bill 1468 (Ochoa Bogh and Roth, 2024) Department of Consumer Affairs
 13. House Resolution 58 (Jackson, 2024) Relative to Access to Care
- b. Board-Adopted Regulations Undergoing Review by the Office of Administrative Law
 1. Proposed Regulation to Amend Title 16 CCR section 1732.5 and Add section 1732.8 Related to Continuing Education
 2. Proposed Regulation to Amend Title 16 CCR section 1749 Related to Fee Schedule
 - c. Board-Adopted Regulations Undergoing Final Review by the Department of Consumer Affairs or Business, Consumer Services and Housing Agency
 1. Proposed Regulation to Amend Title 16 CCR section 1760 Related to Disciplinary Guidelines
 2. Proposed Regulation to Amend Title 16 CCR section 1746.3 Related to Opioid Antagonists
 - d. Board-Approved Regulations Undergoing Pre-Notice Review by the Department of Consumer Affairs or Business, Consumer Services and Housing Agency
 1. Proposed Regulation to Amend Title 16 CCR section 1708.2 Related to Discontinuance of Business
 2. Proposed Regulation to Amend Title 16 CCR section 1749(c) Related to the Pharmacy Technician Renewal Fee
 3. Proposed Emergency Regulation to Amend Title 16 CCR section 1747 Related to HIV Preexposure and Post-Exposure Prophylaxis
 4. Proposed Regulation to Amend Title 16 CCR section 1793.65 Related to Pharmacy Technician Certification Programs
 5. Proposed Regulation to Amend Title 16 CCR section 1711 Related to Quality Assurance
 6. Proposed Regulation to Add Title 16 CCR section 1700 Related to Digital Signatures
 7. Proposed Regulations to Amend Title 16 CCR sections 1715 and 1784 Related to Self-Assessment Forms
 - e. Board Approved Regulations – Documents Returned to Staff for Review
 - a. Proposed Regulation to Add Title 16 CCR section 1746.6 Related to Medication Assisted Treatment Protocol
 - b. Proposed Regulation to Add Title 16 CCR section 1750 Related to Outsourcing Facilities Self-Assessment Form
 - f. Board-Approved Regulations – Board Staff Drafting Initial Rulemaking Documents
 1. Proposed Regulation to Amend Title 16 CCR section 1747 Related to HIV Preexposure and Post-Exposure Prophylaxis
 2. Proposed Regulation to Amend Title 16 CCR section 1715.1 Related to Automated Drug Delivery Systems Self-Assessment
 3. Proposed Regulation to Amend Title 16 CCR section 1713 related to Automated Drug Delivery Systems

XVI. Discussion of Proposed Issues to Raise as Part of Sunset Report

XVII. Organizational Development Committee

- a. Budget Report
- b. Board Member Attendance and Mail Vote Information
- c. Personnel Update
- d. Future Meeting Dates

XVIII. Executive Officer Report

XIX. 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 Settlements, Default Decisions, Petitions for Reinstatement or Modification of Penalty, and Any Other Disciplinary Matters
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XX. Reconvene in Open Session to Adjourn the Meeting

Adjournment will immediately follow closed session, and there will be no other items of business discussed. Meeting adjournment may not be viewable on livestream.

XXI. Adjournment

Upon conclusion of business