



California State Board of Pharmacy
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STATE AND CONSUMER SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GRAY DAVIS, GOVERNOR

Enforcement Team Meeting

March 13, 2001

8:00 a.m. – 12 noon

Present: Committee Chair and Board Member Darlene Fujimoto
Board Member John Jones
Executive Staff
Supervising Inspectors
Inspectors
Enforcement Staff

Inspector Issues

Supervising Inspector Robert Ratcliff reported that he and Supervising Inspector Judi Nurse were completing employment interviews for three potential inspector applicants at the end of March. The policies and procedures were not discussed because they are still subject of a Meet and Confer. Supervisor Inspector Ratcliff announced that case management with all the inspectors would take place the first week in April and again in May.

Announcements/Introductions

Committee Chair Darlene Fujimoto called the meeting to order at 8:30 a.m. Kim DeLong introduced herself. She is the new enforcement technician, replacing Betty Thorson who retired.

Quality Improvement Efforts

The leads from the Compliance, Drug Diversion/Fraud, Pharmacist Recovery Program (PRP)/Probationer, Complaint Mediation and Administration teams reported on their activities. Each team provided information on their workload, significant accomplishments and presentations to outside organizations.

Some of the significant accomplishments reported were: the compilation of the customer survey results, inspection of pharmacist with the LA HALT unit, two PC 23 hearings, inspection of 28 unlicensed MDR facilities, an ISO against a pharmacy and its owner for the sale of Russian drugs without a prescription, successful PC 23 and ISO for impaired pharmacist, assisting the DEA on the search and arrest of a probationer for chemical sales and monitoring 153 probationers, and the inspection of 7 probation/PRP participants.

Supervising Inspector Robert Ratcliff reported on the status of completed cases since the last team meeting. He commended the inspectors and mediation analysts for their hard work and

efforts to complete those cases over one year old. He displayed the workload of the teams and the significant progress that each team has made.

Supervising Inspector Ratcliff informed the inspectors and complaint analysts that all complaints and investigations over 90 days must be completed by June 1st. He stated that the supervisors would meet with all inspectors during the first week of April. At this time, inspectors are to provide a plan as to how they were going to complete their cases. Each inspector was to provide a case action summary report on their pending cases.

Darlene Fujimoto commented on the customer satisfaction survey results. Since October 2000, the board sent out 92 survey postcards. The board received 33 postcards back at a rate of 29%. The postcards are included with the complaint closure letters. The postage is prepaid to encourage the response back. Consumer are asked to respond to four questions and each answer is rated on a scale of 1-5, five being the highest level of satisfaction. The average score for the board was 2.6. Based on the comments that were received, the board took too long to mediate its complaints and failed to keep the consumer informed as to the status of the complaint.

Implementation of Routine Compliance Inspection Program

The Routine Compliance Inspection Program was not discussed because it is still subject to the “meet and confer” meeting that was held with Unit 19. Because of the pending caseload, the implementation date for the program was moved to July 1, 2001.

NCC/SCC Process

The Enforcement Team was provided with a copy of the NCC/SCC procedures that were adopted by the board. Committee members Darlene Fujimoto and John Jones stressed the importance of consistency between the meetings and committee members. The information that board staff provides to the board members should help ensure consistency. The board members participating at the NCC/SCC meetings should consider each case individually and evaluate the responsibility of each cited person called to the NCC/SCC meeting. There should be more communication and possibility training amongst board members who participate at the NCC/SCC meetings to ensure resolutions are fair and consistent.

Subpoena Procedures

Staff Counsel explained to the inspectors that they are not authorized to agree to appear and testify at a hearing or disclose documents. That is a decision of the executive officer and any one she delegates that decision-making authority to. A subpoena for personal appearance must be personally served on either the employee or the employee’s supervisor. An inspector who receives a subpoena by either personal service or by mail or fax should immediately notify the executive officer or the assistant executive officer. Moreover, inspectors are not to accept subpoenas unless it is personally served upon them.

Discussion of Issues from the Enforcement Committee Meeting Held March 12, 2001

- **Expiration Dates** – The team recommended that the inspectors cite pharmacies for violation of law when expired drugs are dispensed. It was also suggested that the compliance guide include the USP standard for determining expiration dates.
- **Prescriber Dispensing** – The draft interpretation was referred to the board’s liaison deputy attorney general for review based on the additional information that was provided at the Enforcement Committee meeting.
- **Written Proposals**– The Enforcement Team will consider at future meetings four written that were provided by the California Pharmacists Association, Longs Drug Stores, United Food and Commercial Workers Union Local #770 and the Guild for Professional Pharmacists. The proposals are.
 1. The board should take immediate steps to increase its efforts to prevent violations as detailed in the board’s strategic plan. The board was encouraged to restore its routine inspection program.
 2. Have all disciplinary actions reviewed by a committee of the board prior to filing and to allow the presentation of mitigating factors by the accused as part of this review process.
 3. The board should readily provide clear and complete documentation to support any claim for cost recovery under Business and Professions Code section 125.3
 4. The discipline and terms of probation should be imposed based on the specific facts of the individual case. The use of “standard” terms for discipline and probation should not be favored.
- **Pharmacist-in-Charge**-The Enforcement Team discussed the possibility of writing a newsletter article on this issue and developing a continuing education program for PICs.
- **Request to Allow a PIC to Supervise More than One Pharmacy**-The Enforcement Team decided not to take action on this matter since it is being considered by the Pharmacy Manpower Task Force.
- **Request to Eliminate the Clerk-Typist Ratio and to Expand Their Duties**-The Enforcement Team decided not to take action on this matter since it is being considered by the Pharmacy Manpower Task Force.

Proposed Strategic Goals for 2001/2002

The Enforcement Team reviewed the current goals for this year. They did not proposed any new goals but recommended the reordering of the priority for the current goals, update the performance expectations and eliminate the goals that have been completed.

Adjournment

The meeting was adjourned at 12 noon.