



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
ARNOLD SCHWARZENEGGER, GOVERNOR

ACTION ITEMS – October 2004 BOARD MEETING

The board packet materials for this meeting are available on the board's Web site.

ORGANIZATIONAL DEVELOPMENT COMMITTEE

The board:

- Reported on board efforts to improve and facilitate communication with the public and licensees.
- Reported on the California Performance Review, which is the Governor's proposal to restructure state government that was released at the beginning of August. The proposal recommends that the healing arts boards of the Department of Consumer Affairs be merged into a new Department of Health and Human Services. The board's fund would be combined with the special funds of other boards merged into the new department. The board agreed that it was premature at this time to submit comments until a more definitive plan or timeline is in place.
- Reported on its 2003/04 and 2004/05 budget. The board's proposed budget for 2004/05 contains no new spending proposals and as such, the board will continue to operate in the same manner, and with the same resources as last year. (This continues a 12 percent, or \$411,000, cut in Personnel Services, which is linked to the loss of six positions.) The Governor's Office and the Department of Finance have stated in recent budget instructions that there will be "no discretionary funds available from any source for new initiatives or program expansion." However, the board received an augmentation in its AG budget of \$216,034, to accommodate a new hourly rate increase that took place July 1.
- Reported that the lease for the building that houses the Department of Consumer Affairs including the Board of Pharmacy will end at the end of 2004. It is anticipated that the department is likely to move to a new location in South Natomas. It is anticipated that the move will take place in November 2005.
- Recognized Carlo Michelotti, Executive VP of the California Pharmacists Association and Teri Miller, Executive VP of the California Society of Health Systems Pharmacists for their contributions to the pharmacy profession.
- Agreed to consider at the next Organizational Development Committee meeting the request from pharmacy students who are licensed as interns, their address of record that is placed on the board's Web site.
- Agreed to consider parameters for a pharmacist award program.
- Approved the minutes of the July 21-22, 2004 Board Meeting.

COMMUNICATION AND PUBLIC EDUCATION COMMITTEE

The board:

- Reviewed the proposed template for the fact sheet series that is being coordinated with the UCSF pharmacy students. The fact sheets will address consumer issues involving: safety, cost, access, quality, and awareness (use and self-use of medications).

- Announced that the California Health Communication Partnership identified its first coordinated project. The partnership will be using the materials from the FDA to promote awareness about antibiotic misuse from November through March.
- Reported that staff is working on publishing a new *Health Notes on Pain Management*. This new issue will contain new pain management therapies and the new prescribing and dispensing requirements for controlled drugs enacted by SB 151 (Burton, Chapter 406), which will take place in 2004 through 2005 in sequential stages. The goal is to have this publication available for distribution by January 2005.
- Reported that the board has set up a subscriber list on the board's Web site that sends e-mails to interested parties announcing when the board's Web site has been updated. The interested parties would subscribe themselves to the Web site and be responsible for keeping their e-mail addresses current. Announcement of this new service will be in the next newsletter.
- Reported that the next edition of *The Script* should be released by December. It will include newly enacted laws that will become effective January 1, 2005.

LICENSING COMMITTEE

The board:

- Approved proposed legislative changes as omnibus items for the 2005 legislative session. The proposed changes are related to the elimination of the Rules of Professional Conduct (B&P Code sec. 4005), clarification of designated representative requirements for wholesaler (B&P Code sec. 4053) and technical updates to various licensing provisions (B&P Code sec. 4127.5, 4205 and 4206) and fee schedule technical changes (B& P Code sec. 4400). The board will seek introduction of legislation in 2005 to pursue these changes.
- Approved the proposed legislative changes relating the continuing education requirements for the renewal of a pharmacist's license (B & P Code sec. 4231 and 4232). The board will seek introduction of legislation in 2005 to pursue this change.
- Agreed to amend CCR, title 16, sec. 1720.1 related to foreign pharmacy school graduates and the certification process by the Foreign Pharmacy Graduate Examination Committee. These changes are necessary to implement SB 1913 (Chapter 695). The proposed regulation change will be noticed for adoption at the January board meeting.
- Agreed to amend CCR, title 16, sec. 1728 related to the application process for the pharmacist licensure examination and intern requirements. These changes are necessary to implement SB 1913 (Chapter 695). The proposed regulation changes will be noticed for adoption at the January board meeting.
- Approved the proposed omnibus regulation changes to implement SB 1913 (Chapter 695) and update the licensing requirements. The regulation sections affected are: 1706.2, 1719, 1720, 1725, 1726, 1727, 1749 and 1750. These proposed regulation amendments will be noticed for adoption at the January board meeting.
- Approved the proposed changes to continuing education regulations. The proposed regulation amendments will be noticed.
- Stated that it has received over 2,300 applications for the NAPLEX and the California Pharmacist Jurisprudence Examination (CPJE) and over 1,000 pharmacists have been licensed this calendar year. The board will begin the implementation of its proposal to restructure the Competency Committee into a two-tier structure with a core committee and a group of item writers. In the next board newsletter, the board will seek nominations from interested pharmacists to serve in either capacity. The board plans to mail out the

job analysis survey to pharmacists in November. The job analysis is used to develop the content outline for the CPJE and it is done every 5 years.

- Provided the September 22nd meeting summary for the Workgroup on Compounding.

ENFORCEMENT COMMITTEE

The board:

- Approved proposed statutory changes to the Pharmacists Recovery Program. The board will seek introduction of legislation in 2005 to pursue these changes.
- Approved proposed statutory changes to the Pharmacy Technician Program. The board will seek introduction of legislation in 2005 to pursue these changes.
- Approved a proposed omnibus legislative change related to the letter of admonishment. The board will seek introduction of legislation to incorporate this change.
- Agreed to amend CCR, title 16, sec. 1715 to revise the self-assessment forms for community and hospital pharmacies. This regulation change will be noticed for adoption at the January board meeting.
- Granted a waiver of CCR, title 16, sec. 1717(e) to authorize Longs Drugs Stores to install and use a 24-hour prescription drop kiosks at its pharmacies. The board granted the waiver with the condition that the container is secured and it is at the same address or adjoining the licensed premise. In addition the pharmacy is responsible for the security and confidentiality of the prescriptions deposited in the containers.
- Granted a waiver of CCR, title 16, sec. 1717(e) to authorize Longs Drugs Stores to install and use an automated self-service delivery unit in its stores that allows a patient to access their filled prescriptions. A patient will be allowed to access the delivery unit when the pharmacy is open and closed. The board granted the waiver with the condition that the device is for refilled prescriptions only; however, the pharmacist is not to use the device to dispense refilled prescriptions if the pharmacist determines that the patient requires consultation pursuant to section 1707.2(a)(2). The device must be located in reasonable proximity to the licensed pharmacy premise. The device must have the means to identify the patient and only release that patient's prescriptions. The device is secure from access and removal by unauthorized individuals. The pharmacy must provide a means for the patient to obtain consultation with a pharmacist if requested, and the pharmacy is responsible for the prescriptions stored in the device. The patient must "opt in" to use this device.
- Agreed to amend CCR, title 16, sec. 1717(e) that would authorize a pharmacy to use a secure container for the deposit of prescription by a patient. The secure container must be located at the same address or adjoining the licensed premise. The section would also be amended to allow a pharmacy to use a device to dispense refilled prescriptions provided that the device is located in reasonable proximity to the licensed premises, the device has a means to identify the patient and only release that patient's prescriptions, the device is secure, the pharmacy provides a means to the patient to obtain consultation from a pharmacist, and the pharmacist is not to use the device if the prescription requires consultation pursuant to section 1707.2(a)(2). The patient must "opt in" to use this system. The proposed regulation change will be noticed for a hearing at a future board meeting.
- Directed that this committee will continue to discuss the automated dispensing machines at future meetings.

LEGISLATION AND REGULATION COMMITTEE

The board:

- Reported that the proposed regulation change to add CCR, title 16, sec. 1746 that will codify the statewide protocol for pharmacists to furnish emergency contraception is pending approval at the Office of Administrative Law (OAL).
- Adopted changes to the final language to amend, CCR, title 16, sec. 1751 et seq. that will remove the building standards from the requirements for compounding sterile injectable drugs. The board will resubmit the rulemaking file to OAL.
- Reported that the following rulemaking files have been approved by the OAL. The regulations are:
 1. CCR, title 16, sec. 1709.1 – Pharmacist-in-Charge at Two Locations (effective 10/2/04)
 2. CCR, title 16, sec. 1710 - Hospital Central Fill (effective 10/22/04)
 3. CCR, title 16, sec. 1711 - Notification of a Prescription Error (effective 10/22/04)
 4. CCR, title 16, sec. 1717.1 - Common Electronic Files (effective 10/22/04)
 5. CCR, title 16, sec. 1717.4 – Authentication of Electronic Prescriptions (effective 10/22/04)
 6. CCR, title 16, sec. 1720 – Pharmacist License Process (effective 10/22/04)
 7. CCR, title 16, sec. 1721 – Pharmacist Exam (effective 10/22/04)
 8. CCR, title 16, sec. 1723.1 – Confidentiality of Exam Questions (effective 10/22/04)
 9. CCR, title 16, sec. 1724 – Passing Score (effective 10/22/04)
 10. CCR, title 16, sec. 1749 and 1793 et seq. – Pharmacy Technicians (effective 10/22/04)
 11. CCR, title 16, sec. 1793.3 – Non-Licensed Person Ratio (Clerk-typist) (effective 10/2/04)
 12. CCR, title 16, sec. 1751 et seq. – Sterile Compounding (effective 10/29/04)

Reported that the following bills were signed by the Governor:

1. AB 30 (Chapter 573)
2. AB 2184 (Chapter 342)
3. AB 2660 (Chapter 191)
4. AB 2682 (Chapter 887)
5. SB 1159 (Chapter 608)
6. SB 1307 (Chapter 857)
7. SB 1913 (Chapter 695)