



California State Board of Pharmacy

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

ACTION ITEMS – April 2005 BOARD MEETING

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

ORGANIZATIONAL DEVELOPMENT COMMITTEE

The board:

- Announced that Governor Schwarzenegger appointed public board member Marian Balay and reappointed pharmacist-member Board President Stan Goldenberg.
- Announced that the Board of Pharmacy has again been awarded the Fred T. Mahaffey award, the 3rd time in seven years, for the board's wholesaler licensure program.
- Agreed to form a task force to develop and disseminate educational materials on the Medicare Modernization Act (MMA). This task force will be a subcommittee of the Communication and Public Education Committee.
- Agreed to pursue a regulation change to exempt interns' addresses of record from the board's Web site.
- Agreed to develop a recognition program for pharmacists licensed for 50 years or more by sending a letter with a certificate of achievement and publishing the recognition in the board's newsletter.
- Updated and approved its 2005-06 Strategic Plan.
- Updated and approved the Board Member Procedure Manual.
- Reported that on February 17, 2005, Governor Schwarzenegger withdrew his reorganization plan to eliminate 279 board member propositions for regulatory boards (including the Board of Pharmacy) under the Department of Consumer Affairs and merge these boards into the organizational structure of the department, under the direct authority of the director. The plan had been submitted to the Little Hoover Commission for its consideration.
- Reported that the office of the Board of Pharmacy will be relocated in December 2005 to North Natomas.
- Approved the minutes of the January 19-20, 2005 board meeting.
- Re-elected Stan Goldenberg as President and Bill Powers as Vice-President. Ken Schell was elected as Treasurer.

COMMUNICATION AND PUBLIC EDUCATION COMMITTEE

The board:

- Heard a presentation from the Center for Health Improvement on its study of the patient consultation requirements on older Californians.
- Announced that the California Health Communication Partnership launched its second coordinated project. The partnership will be using the materials from the FDA to promote awareness about generic drugs from May through June.

- 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 took place in 2005. The goal is to have this publication available for distribution in the Fall 2005. The next *Health Notes* publication that the board agreed to produce will be on pharmacy emergency response to patients in a declared disaster area.
- Reported that *The Script* was mailed to all pharmacies in February 2005. The Pharmacy Foundation of California plans to mail the January 2005 issue to California pharmacists in May.
- Reported that since the last board meeting, board members and staff have participated in 14 public presentations on pharmacy laws and the new controlled substances requirements, and have staffed 2 public booths at consumer fairs and 1 information booth at the annual meeting of the California Pharmacists Association.

ENFORCEMENT COMMITTEE

The board:

- Granted a waiver of CCR, title 16, sec. 1717(e) to authorize the University of California, San Diego (UCSD) Medical Center to install and use an automated self-service delivery unit in its outpatient pharmacy that allows a patient to access his or her filled prescriptions. A patient will be allowed to access the delivery unit when the pharmacy is open or 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 choose to use this device. In conjunction with the waiver, UCSD Skaggs School of Pharmacy and Pharmaceutical Sciences plans a formal study on the impact of this technology to pharmacy and patients.
- Deferred to the July board meeting the request from White Cross Drug Store for a waive of CCR, title 16, sec. 1717(e) to authorize the use of an automated self-service delivery unit in its pharmacy.
- Watched a presentation from the Acerity Corporation on its security software program, which is an electronic authentication process that employs a cryptography technique in conjunction with radio frequency identification technology (RFID) to meet the electronic pedigree requirement.

LICENSING COMMITTEE

The board:

- Reported on the development of a proposal for pharmacists performing drug utilization review (DUR), medication therapy management (MTM), pharmacist call centers and the central processing of prescriptions for California patients. This proposal will be the subject of the future roundtable discussions at the Licensing Committee meetings. The next meeting is set for June 15th in Burbank.
- Reported that over 2,700 applications for the NAPLEX and the California Pharmacist Jurisprudence Examination (CPJE) have been received and over 1,300 pharmacists have been licensed since July 1. The board released the demographic characteristics and the performance of candidates who have taken NAPLEX and CPJE. This report will be provided every 6 months, and is available on the board's Web site.

LEGISLATION AND REGULATION COMMITTEE

The board:

- Reported that the following regulations changes adopted by the board are pending review by the Schwarzenegger Administration. The regulations are:
 1. Adoption of Amendment to CCR, title 16, sec. 1706.1 – Abandonment of Application Files
 2. Adoption of CCR, title 16, sec. 1712 – Use of Pharmacist Identifier
 3. Adoption of Amendment to CCR, title, 16, sec. 1715 – Self-Assessment of a Pharmacy by the Pharmacist-in-Charge (PIC)
 4. Adoption of Amendment to CCR, title 16, sec. 1717 – Pharmacy Practice
 5. Adoption of Amendment to CCR, title 16, sec. 1719 – Recognized Schools of Pharmacy
 6. Adoption of Amendment to CCR, title 16, sec. 1720 – Application for Pharmacist Examination and Licensure
 7. Adoption of Amendment to CCR, title 16, sec. 1720.1 – Graduates of Foreign Pharmacy Schools
 8. Adoption of Amendment to CCR, title 16, sec. 1725 – Acceptable Pharmacy Coursework for Examination Candidates with Four Failed Attempts
 9. Adoption of Amendment to CCR, title 16, sec. 1726 – Supervision of Intern Pharmacists
 10. Adoption of Amendment to Repeal CCR, title 16, sec. 1727 – Intern Pharmacist
 11. Adoption of Amendment to CCR, title 16, sec. 1728 – Requirements for Examination
 12. Adoption of Amendment to CCR, title 16, sec. 1732 – 1732.7 – Continuing Education
 13. Adoption of Amendment to CCR, title 16, sec. 1745 – Partial Filling of Schedule II Prescriptions
 14. Adoption of Amendment to CCR, title 16, sec. 1749 – Fee Schedule
 15. Adoption of Amendment to Repeal CCR, title 16, sec. 1750 – Fee Schedule – Health and Safety Code
- Discussed and took positions as indicated on the following legislative bills:

AB 21	Levine	Allows a pharmacist to decline on ethical, moral, or religious grounds to dispense a drug pursuant to a lawful request only if he or she satisfies certain conditions.	No Position
AB 225	Negrete McLeod	Allows health care professionals to receive nonmonetary remuneration, in the form of hardware, software, or information technology and training services, necessary and used solely to receive and transmit electronic prescription information. Requires freedom of choice to transfer a prescription to a pharmacy of the patient's choice.	Support if Amended
AB 283	Koretz	Limits the access to ephedrine and pseudoephedrine products by requiring they products be placed in a locked cabinet.	No Position
AB 446	Negrete McLeod	Prohibits "regulatory gag clauses" in malpractice settlements.	Support
AB 497	Negrete McLeod	Revises the nonresident wholesaler license requirement to require an applicant to submit only one surety bond of \$100,000, or an equivalent means of security, regardless of how many individual sites are licensed.	Support

AB 522	Plescia	Clean-up language for AB 2184 (Chapter 342, Statutes of 2004), Automated Dispensing Devices. .	Support if Amended
AB 595	Negrete McLeod	Defines compounding of a prescription drug for the purposes of the Pharmacy Law and establishes requirements for pharmacists that compound drugs.	Board Sponsored/ Support
AB 657	Karnette	Revise the prescription-labeling requirement to require a container to be labeled with the "intended purpose" for which the drug was prescribed essentially an "opt out" process instead of an "opt-in" process already in law.	Oppose
SB 152	Speier	Requires pseudoephedrine products to be sold in a pharmacy by a pharmacist or pharmacy technician and for pharmacists and pharmacy techs to document purchase of products.	Neutral
SB 401	Ortiz	Define marketing to include written communication that is provided by a pharmacy to a patient about a different drug or treatment than that being dispensed by the pharmacy and that is paid for, or sponsored by a manufacturer.	No Position
SB 592	Aanestad	Permits pharmacy technicians to check the work of other pharmacy technicians filling unit dose medication cassettes for hospital patients.	Support
SB 644	Ortiz	Require a health care licentiate to dispense drugs and devices pursuant to a lawful prescription or order except in specified circumstances, including on ethical, moral, or religious grounds asserted by the licentiate.	Support
SB 734	Torlakson	Clean-up changes to facilitate the effective operation of the CURES, the prescribing and dispensing of controlled substances, and the program duties of the Bureau of Narcotics Enforcement.	Oppose Unless Amended
SB 1111	Senate B&P Com	Annual omnibus bill with technical and non-controversial changes to pharmacy law.	Support