

## Action Items and Major Activities from the April 18 & 19, 2007 Board Meeting

### **Organizational Development Committee:**

The board:

- Voted to move to the required 45 days of public notice a regulation proposal to increase all board fees to the statutory maximum effective 1/1/08. The board's pending budget request to authorize \$576,000 to the board to provide to board inspectors as a salary differential is a primary reason for moving this regulation at this time. Action is expected at the July Board Meeting.
- Elected Bill Powers as Board President, Ruth Conroy as Board Vice President and Tim Dazé as Treasurer.
- Approved the modified Board Strategic Plan for 2007-08.
- Received a personnel and budget update.
- Received an update on the process for the board to develop a feasibility study report for the online/real-time access to CURES data, a project required of the board by Health and Safety Code section 11165.5.
- Approved the Board Meeting Dates for 2008:

#### **2007**

- July 24, 25 – Los Angeles
- October 24 and 25 -- San Francisco/Bay Area

#### **2008**

- January 23 and 24 – San Diego
- April 23 and 24 – Sacramento
- July 23 and 24 – Orange County
- October 29 and 30 – San Francisco

### **Communication and Public Education Committee:**

The board:

- Reviewed discussions held at the February 1 and March 30, 2007 Forums on Medicare Part D that were convened by the board. The board voted to form a roundtable discussion between the board and others to establish timelines and goals for resolution of continued problems with the Medicare Part D Plans. The California delegation will be contacted for participation as well as the stakeholders who have been involved in the board's Subcommittee on the Medicare Part D Plans.
- Approved a modified list of strategic activities as part of the board's 2007-08 update of its strategic plan.
- Held a lengthy discussion regarding the pros and cons of pill splitting. No specific action was taken at this time pending additional information on board options for action.
- Was updated on the public information being developed by pharmacist interns as part of collaboration with the UCSF's Center for Consumer Self Care. Eight new fact sheets are undergoing review by the committee. Additional interns will be allowed to join the project from schools other than UCSF.

- Was advised that the board's next newsletter, *The Script*, will be published and distributed in July 2007, and will focus on application of Pharmacy Law.
- Received an update on public outreach activities performed in the last quarter; specifically five presentations were made on pharmacy law to pharmacy associations or other professional groups, on presentation was made at annual conference and the board staffed a booth at two education fairs.
- Was advised that a new Web page is being developed to reflect the new requirements of the Governor's Office.
- Heard a presentation on the SCR 49 Medication Errors Task Force of their final report and recommendations for action.

### **Licensing Committee:**

The board:

- Voted to approve modifications to the strategic activities of the committee as part of the update to create the 2007-08 Strategic Plan.
- Approved a request by Pacific University of Oregon for board recognition of the school of pharmacy for purposes of issuing California intern licenses.
- Agreed to award 3 hours of continuing education credit to pharmacists who pass the certification examination for geriatric pharmacists administered by the Commission for Certification in Geriatric Pharmacy.
- Received an update on proposed regulation language for compounding pharmacies, which will be brought to the next Licensing Committee meeting.
- Approved a legislative proposal to pursue a new name change for the California Pharmacist Jurisprudence Examination (CPJE) to the California Practice Standards and Jurisprudence Examination for Pharmacists. The new name will better reflect the content of the examination, which is more than a jurisprudence examination.
- Voted to develop a statutory modification to allow pharmacists to administer immunizations via a state-adopted protocol.
- Heard an update on a joint project initiated by California's schools of pharmacy to develop competencies that interns should master at the basic level of intern experience.
- Heard updates on activities involving emergency preparedness and surge response.
- Was advised that the committee will review the ExCPT exam for possible use as a qualifying method for pharmacy technicians. The exam will be evaluated against the standards established for job-related examinations in Business and Profession Code section 139. If authorized, a statutory amendment will be needed.
- Reviewed statistics for the CPJE for October 2006 through March 31, 2007. The overall passing rate for all tests taken during this period was 70 percent.
- Reviewed licensing statistics for the quarter.

### **Enforcement Committee:**

The board:

- Approved modifications to the committee's strategic activities as part of the board's Strategic Plan update for 2007-08.
- Reviewed the letter of concern sent in February to CMS regarding the federal Deficient Reduction Act's provision to use average manufacturer's cost for reimbursing pharmacies for Medicaid-funded prescription drugs, which pharmacies state are at levels often substantially below their acquisition costs for the medicine. The board's concern is that pharmacies will drop out of the Medicaid/Medi-Cal system if they lose money on every prescription they dispense, with a resultant loss in access for these patients to pharmacies and prescription medicine especially in rural and inner city areas.
- Announced that Board Members Rob Swart and Susan Ravnar have been appointed to a subcommittee to review a proposal to develop a detailed ethics class for pharmacists, similar to a 22-hour course developed for physicians. The board directed that the Enforcement Committee look at options for development of an ethics course as enforcement option. The committee is to report back to the board at the October Board Meeting.
- Heard an update by EPCglobal on its progress to establish standards for electronic pedigrees.
- Discussed the March 21 meeting of the Workgroup on E-Pedigree, including presentations by EPCglobal on the progress in developing electronic pedigree standards, and by AmerisourceBergen and Supply Scape regarding electronic product tagging pilot projects underway.
- The board reviewed enforcement statistics for the second third quarter of 2006-07.

#### Legislation and Regulation Committee:

The board:

- Was advised that the rulemaking to repeal 16 California Code of Regulations (CCR) section 1717.2 Notice of Electronic Prescription Files was approved by the Office of Administrative Law and went into effect March 26, 2007.
- Was advised that the rulemaking to require wholesalers to perform biennial self assessments, 16 CCR section 1784, was approved by the Office of Administrative Law and will go into effect at the end of April.
- Was advised that its proposed regulation to permit rescheduling of an office conference one time -- 16 California Code of Regulations (CCR) section 1775.4, was determined by the Department of Consumer Affairs not to be needed to be promulgated as a regulation, that the board has this authority without a regulation.
- Decided to modify and start a new 45-day notice period for proposed modifications to the Notice to Consumers, 16 CCR 1707.2. These changes are needed to comply with SB 2583 (Nation, Chapter 487, Statutes of 2006), regarding a patient's right to medication from a pharmacy. The version previously noticed will not be pursued.

- Was advised that previously approved proposed technical, conforming changes of no regulatory effect (called Section 100 changes) to various regulations will be noticed in the future, specifically:
  - 16 CCR section 1709.1 – exchanging “exemptee in charge” to designated representative in charge.”
  - 16 CCR section 1780 – updating the reference from the “1990” edition of the USP to the “2005” edition involving wholesaler requirements.
  - 16 CCR section 1780.1 and 1781 – replacing “exemptee” with “designated representative”
  - 16 CCR section 1786 – eliminating this outdated section
  - 16 CCR section 1715 – updating the self-assessment forms for pharmacies to reflect new law
- Was updated on the status of other pending regulations:
  - Revising the board’s *Disciplinary Guidelines* (section 1760)
  - Making modifications to the California Building Standards Commission in order to secure placement of the building standards for sterile injectable compounding pharmacies (24 CCR 4990A.3 and 505.12.2).
  - Creating regulations to approve accreditation agencies of pharmacies that compound sterile injectable drug products
- Was advised about the status of board-sponsored legislative proposals for the omnibus bill; specifically, Business and Professions Code:
  - Section 4162 and 4162.5 extending bonding requirements for wholesalers and nonresident wholesalers four years.
  - Section 4314 and 4315 authorizing the board to issue citations and fines, citations or letters of admonishment for violations involving Health and Safety Code sections dealing with repositories for redistribution of unused medication.
  - Section 4084 permitting inspectors to embargo misbranded drugs
  - Sections 4160(f) and 4161(k) establishing a temporary license fee for wholesalers.
  - Section 4208 authorizing the board to extend an intern pharmacist license for good cause.
- Took positions on legislation impacting consumers or impacting the practice of pharmacy:
  - AB 110 (Laird) – Drug Paraphernalia: Clean Need & Syringe Exchange Projects: **Support**
  - AB 249 (Eng) – Healing Arts: Settlement Agreements: **Support**
  - AB 501 (Swanson) -- Pharmaceutical Devices: **Support**
  - AB 543 (Plescia) – Ambulatory Surgical Centers: Licensure: **Support**
  - AB 865 (Davis) – State Agencies: Telephone Response: **Neutral**
  - AB1025 (Bass) – Professions: Denial of Licensure: **Oppose**
  - AB 1276 (Karnette) – Pharmacies: Prescription Container Labels: **Watch**
  - AB 1399 (Richardson) – Pharmacies: Prescription Containers: **Watch**
  - SB 472 (Corbett) – Prescription Drugs: Labeling Requirements: **Support with Amendments**

- SB 615 (Oropeza) – Pharmacy Technicians: Scholarship Fund: **Oppose**
- SB 606 (Scott) – Pharmaceutical Information: Clinical Data Trial:  
**Support**
- SB 809 (Ashburn) -- Nurse Practitioners: **Watch**
- SB 963 (Ridley-Thomas) -- Regulatory Boards: Termination: **Watch**
- SB 966 (Simitian) – Pharmaceutical Drug Disposal: **Express Concerns**
- SB 993 (Calderon) – Psychologists: Prescribing Drugs: **Oppose**