

## Action Items and Major Activities from the January 31 and February 1, 2007 Board Meeting

### **Organizational Development Committee:**

The board:

- Selected Virginia Herold as the board's executive officer.
- Acknowledged Mel Baron, who has been licensed for 50 years as a pharmacist.
- Discussed parameters to acknowledge superior contributions of pharmacists and preceptors.
- 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 minutes from the October 25, 2006 Board Meeting.
- Moved the July Board Meeting Date to July 24 and 25, 2007

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

The board:

- Reviewed an overview of the November 30, 2006 meeting of the Subcommittee on Medicare Part D.
- Held a discussion regarding the pros and cons of pill splitting. The board referred this for additional discussion before the Legislation and Regulation Committee and the Communication and Public Education Committee.
- Approved language for a new Notice to Consumers as required by AB 2583 (Nation, Chapter 487, Statutes of 2007), and moved that this language be released for 45 days of notice for action at the April 2007 meeting.
- Reviewed public information being developed by UCSF's pharmacist interns as part of a collaboration with the Center for Consumer Self Care – the existing nine fact sheets have been translated into Spanish, Chinese and Vietnamese. Four new fact sheets are undergoing review by the committee.
- Was advised that the board's newsletter, *The Script*, was published and distributed in late January 2007.
- Received an update on public outreach activities performed in the last quarter; specifically four presentations were made on pharmacy law to pharmacy associations or other professional groups, three presentations were made at conferences and the board staffed a booth at one public education fair.
- Convened a forum on problems with Medicare Part D Plans that interfere with patient care. This forum was not long enough to permit those with issues to present them to the board, so another meeting is set for March 30, for six hours, to permit a full discussion and problem solving among stakeholders – CMS, patient advocates, health plans and pharmacies.

### **Licensing Committee:**

The board:

- Voted to participate in a joint project initiated by California's schools of pharmacy to develop an examination to test interns about their competence in basic intern experience, titled the California IPPE /OSCE Initiative (IPPE stands for basic intern experience, and OSCE is Objective Structured Clinical Examination). Dr. Ravnan is the board's representative to this project, which should be completed this summer.
- Was advised that the committee will not review changes to California's intern hours requirements until the results of the IPPE/OSCE Initiative are available.
- Voted to move to public notice the proposed regulations on compounding requirements for pharmacies. The board encouraged interested stakeholders to submit written comments on the board's proposed compounding regulations before the end of February for consideration by the Licensing Committee at its March 7 meeting.
- Heard updates on activities involving emergency preparedness, evaluation of a second pharmacy technician examination (ExCPT), and on the national provider identifier.
- 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 for CPJE for fiscal year 2005-2006. The overall passing rate for all tests taken is 80 percent.
- Reviewed licensing statistics for the quarter.

### **Enforcement Committee:**

The board:

- Voted to send a letter of concern 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.
- Reviewed the board's letter sent to the DEA in November supporting a proposed interpretation that Schedule II drugs could be prescribed on multiple prescriptions written at the same time that specify "do not fill before 30 days" or "do not fill before 60 days."
- Heard a presentation by the Lorie Rice regarding development of 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.

- Discussed the December meeting of the Workgroup on E-Pedigree, including presentations by Amerisource Bergen and Cardinal Health on electronic product tagging pilot projects underway in their wholesale facilities.
- Heard an update by EPCglobal on its progress to establish standards for electronic pedigrees.
- Heard a presentation by IBM on an alternative method of “track and trace” technology to follow prescription products through the supply chain.
- The board reviewed enforcement statistics for fiscal year 2006-07.

### Legislation and Regulation Committee:

The board:

- Approved a regulation to permit rescheduling of an office conference one time -- 16 California Code of Regulations (CCR) section 1775.4. The rulemaking file will be compiled and submitted to the Administration for review.
- Approved a regulation to specify when applications for specific licenses have been abandoned, making requirements uniform concerning abandonment of applications for all board licensing programs – 16 CCR section 1706.2. The rulemaking file will be compiled and submitted to the Administration for review.
- Was advised that regulations to permit technicians checking technicians in acute care hospitals with clinical care programs (16 CCR sections 1793.7 and 1798.8) were approved and took effect on January 5, 2007
- Was advised that regulations to permit used of automated delivery machines in pharmacies and prescription drop off boxes outside pharmacies (16 CCR sections 1717(e) and 1713) were approved and took effect on January 26, 2007.
- Approved moving ahead with amendments to a number of regulation sections that make technical, conforming changes of no regulatory effect (called Section 100 changes), 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
- Was advised that the rulemaking to repeal 16 California Code of Regulations (CCR) section 1717.2 Notice of Electronic Prescription Files was submitted to the Office of Administrative Law on January 9, 2007.
- Was advised that the rulemaking to require wholesalers to perform biennial self assessments, 16 CCR section 1784 was still undergoing review by the Administration.
- 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).
- Approved sponsoring legislative proposals to amend Business and Professions Code as part of an omnibus bill:
  - 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.
- Voted to sponsor amendments to ease clarify new CURES reporting legislation enacted by AB 2986 (Mullin, Chapter 286, Statutes of 2006)