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

STATE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
LEGISLATION AND REGULATION COMMITTEE
MINUTES

DATE: July 8, 2009

LOCATION: First Floor Hearing Room
Department of Consumer Affairs
1625 N. Market Boulevard
Sacramento, CA 95834

BOARD MEMBERS PRESENT: Greg Lippe, Public Member, Chair
Ryan Brooks, Public Member
Stan Weisser, RPh
Robert Swart, PharmD
Shirley Wheat, Public Member

BOARD MEMBERS IN THE AUDIENCE: Kenneth Schell, PharmD, President
Randy Kajioka, PharmD

STAFF PRESENT: Virginia Herold, Executive Officer
Anne Sodergren, Assistant Executive Officer
Robert Ratcliff, Supervising Inspector
Carolyn Klein, Legislation and Regulation Manager
Tessa Fraga, Staff Analyst

Call to Order

Chair Lippe called the meeting to order at 11:07 a.m.

A. REGULATIONS REPORT

1. Board Approved Regulations – Undergoing Administrative Review

a. Proposed Amendment of 16 CCR §1773 and Adoption of 16 CCR §1773.5 – Ethics Course

Chair Lippe provided that this item is for information only. Executive Officer Virginia Herold stated that proposed regulation would specify all the criteria for an ethics course to be used as a possible term of probation imposed on a pharmacist and that the rule making was currently being reviewed by the Office of Administrative Law.

There was no further discussion.

2. Board Approved Regulations – Previously Noticed

a. Title 16 CCR Repeal §1716.1 and §1716.2, Amend and Adopt sections 1751 through 1751.8 and Adopt sections 1735 through 1735.8 – Pharmacies that Compound

Chair Lippe provided that this item will be considered at the July 2009 Board Meeting. Ms. Herold added that this rule making addresses the strength, efficacy and quality in compounding.

There was no further discussion.

3. Board Approved Regulations – Awaiting Notice

a. Title 16 CCR 1785 – Self-Assessment of a Veterinary Food-Animal Drug Retailer

The adoption of 16 CCR §1785 would establish a self-assessment form for veterinary food-animal drug retailers and require the designated representative-in-charge to complete this form to ensure compliance with pharmacy law. This form would also aid these licensees in complying with legal requirements of their operations and therefore increase public safety as a result of this compliance.

The draft form was reviewed and approved at the September 2007 Enforcement Committee Meeting. During the October 2007 Board Meeting, the board voted to approve the regulation for the 45-day comment period.

Ms. Herold provided that board staff does not anticipate proceeding with this regulation change until the Licensing Committee completes its review of the Veterinary Food-Animal Drug Program for possible changes.

There was no further discussion.

b. Title 16 CCR Sections 1721 and 1723.1 – Dishonest Conduct During a Pharmacist's Licensure Examination / Confidentiality

At the October 2007 Board Meeting, the board voted to approve proposed amendments to 16 CCR §§1721 and 1723.1 that would strengthen the penalty an applicant would incur for dishonest conduct during an examination, as well as further clarify the penalty an applicant would incur for conveying or exposing any part of the licensing examination.

This recommendation was generated from the board's competency committee, which is responsible for the development of the CPJE examination. According to the board's current exam psychometrician, the cost to generate a new test item is $2,000/item. Compromised test items pose not only a financial loss to the board, but also inhibit the board's ability to test for minimum competency, and if an otherwise incompetent applicant passes the exam because the exam has been compromised, such a breach is a public safety issue.

No discussion was provided.

c. Title 16 CCR Section 1751.9 – Accreditation Agencies for Pharmacies that Compound Injectable Sterile Drug Products

Business and Professions Code section 4127.1 requires a separate license to compound injectable sterile drug products. Section 4127.1(d) provides exemptions to the licensing requirement for pharmacies that have current accreditation from the Joint Commission on Accreditation of Healthcare Organizations, or other private accreditation agencies approved by the board. Since the inception of this statute, the board has approved two such agencies. At the July 2007 Board Meeting, the board voted to move this proposal.

This proposed regulation would specify the criteria the board uses to evaluate these agencies.

No discussion was provided.

4. Regulations Under Development

a. Title 16 CCR Section 1780 – Update the USP Standards Reference Material

16 CCR §1780 sets minimum standards for drug wholesalers. Section 1780(b) references the 1990 edition of the United States Pharmacopeia Standards (USP Standards) for temperature and humidity. The USP Standards is updated and published annually. Consequently, this section requires an amendment to

§1780(b) to reflect the 2005 version of the publication and to hold wholesalers accountable to the latest standards if determined appropriate.

Because of stated concerns about whether referencing the 2005 USP standards is an unreasonable burden on wholesalers, at the October 2008 Board Meeting, the board voted to address the issue of updating the USP Standards reference materials within this section.

Ms. Herold provided that a subcommittee to work with board staff and industry will need to be established.

b. Title 16 CCR Section 1732.2 – Continuing Education for Competency Committee Members

At the October 2008 Board Meeting, the board voted to award up to six hours of continuing education (CE) credit annually to complete on-line review of examination questions if the committee member is not seeking reimbursement for their time.

Competency Committee members serve as the board's subject matter experts for the development of the California Practice Standards and Jurisprudence Examination for Pharmacists (CPJE). A committee member's term is generally about eight years.

Annually, committee members attend approximately 3-4 two-day meetings to assist in examination development. Each two-day meeting consists of approximately 2-4 hours of preparation time in addition to 16 hours of meeting time. Committee members also participate in 2-4 writing assignments based on the examination development need. Committee members spend approximately 50-80 hours preparing for and attending committee meetings on an annual basis in addition to multiple writing assignments, and they are compensated for time and travel.

One of the core functions of the Competency Committee is to complete an on-line review of all test questions prior to exam administration. As the test questions cover all aspects of pharmacy practice and law, this on-line review requires a significant amount of committee time to research items and confirm that a question and answer are valid. Given this, the committee requests that the board award up to six hours of CE annually for members that complete this on-line review. (Typically, committee members are not compensated for their time to complete this function. If a committee member is seeking reimbursement for this time, however, continuing education will not be awarded.)

Current pharmacy law requires pharmacists to earn 30 hours of approved CE every two years as a condition of license renewal. Currently, pharmacists can earn CE:

- Offered by approved providers (ACPE and the Pharmacy Foundation of California – 16 CCR §1732.05),
- Approved by Medical Board, Board of Podiatric Medicine, Board of Registered Nursing or Dental Board, if relevant to pharmacy practice (16 CCR §1732.2), and/or
- By petition of an individual pharmacist for a course that meets board standards for CE for pharmacists (16 CCR §1732.2).

Additionally, the board will award CE for:

- Attending one board meeting annually (6 hours of CE),
- Attending two committee meetings annually (2 hours of CE for each meeting, must be different committee meetings), and
- Completing the PSAM, which is administered by the National Association of Boards of Pharmacy (6 hours).

Ms. Herold provided that board staff will draft proposed regulation language for consideration by this committee at a future meeting.

There was no further discussion.

B. LEGISLATIVE REPORT

1. Board Sponsored Legislation

Chair Lippe provided a brief overview of SB 819, SB 820, and SB 821. He indicated that these bills are all board sponsored and approved.

Assistant Executive Officer Anne Sodergren confirmed that SB 820 is now a peer review bill and that pharmacy-related provisions were moved to SB 821.

a. SB 819 (Senate Business, Professions & Economic Development Committee) – Omnibus Provisions

At its October 2008 Board Meeting, the board voted to pursue all of the omnibus provisions approved for sponsorship in 2008. Many of these provisions were included in (2007-08) SB 1779 (Senate Committee on Business, Professions and Economic Development) which was vetoed by the Governor.

This year, the Senate Committee on Business, Professions & Economic Development sponsored SB 819, which contains many of the same provisions formerly contained in last session's SB 1779.

Status: Since the board met in April 2009, the bill was amended three times. No provisions related to Pharmacy Law were affected by the

amendments. However, an "urgency" clause was added on April 20, 2009. Should the bill be enacted, the provisions will become effective immediately.

Passed out of ASM Business and Professions on June 30, 2009. Referred to ASM Appropriations

Four types of changes are addressed in SB 819:

1. Use of mobile pharmacies.
2. Changes resulting in a comprehensive legal review by board staff and counsel on the legal requirements surrounding the Pharmacist-in-Charge and Designated Representative-in-Charge.
3. General omnibus provisions.
4. Omnibus provisions resulting from the recodification of Business and Professions Code section 4052.

Committee Discussion

Robert Swart sought clarification regarding the authorization for the use of a temporary mobile pharmacy no only in cases of a disaster, but also when a pharmacy is undergoing a remodel.

Ms. Herold provided that this authority is included in the omnibus bill.

There was no further discussion.

b. SB 820 (Senate Business, Professions & Economic Development Committee) – New Omnibus Provisions

In late 2008, board staff was advised that the Office of Examination Resources (OER) was being renamed to the Office of Professional Examination Resources.

SB 820, as introduced, made conforming changes throughout the Business and Professions Code, including §4200.3 and §4200.4, to reflect this name change and to make other changes to Consumer Affairs professions and vocations.

Status: As amended July 6, 2009, all provisions affecting Pharmacy Law were gutted. The provisions related to §4200.3 and §4200.4 were placed into SB 821.

There was no further discussion.

c. SB 821 (Senate Business, Professions & Economic Development Committee) –Omnibus Provisions Specific to PIC and DRC Requirements

The omnibus provisions contained in SB 821 were approved by the board at its October 2008 Board Meeting. Those provisions are as follows:

Section 4101 – Pharmacist-in-Charge; Designated Representative-in-Charge; Termination of Status; Duty to Notify the Board.
This section requires amendment to clarify when a pharmacist-in-charge or designated representative-in-charge must notify the board that he or she ceased to serve in such a capacity

Amend Section 4112 – Nonresident Pharmacy: Registration; Provision of Information to Board; Maintaining Records; Patient Consultation
This section requires amendment to explicitly state that a person cannot act as a nonresident pharmacy unless he or she has obtained a license from the state.

Section 4113 – Pharmacist-in-Charge; Approval; Responsibilities; Notifications
This section requires amendment to clarify the procedures to be followed by a pharmacy when identifying a pharmacist-in-charge as well as the procedures to notify the board when a change in pharmacist-in-charge has occurred.

To address opposition to the language in Section 4113, the board president authorized an amendment to the section.

Section 4160 – Wholesaler Licenses
This section requires amendment to clarify the procedures to be followed by a wholesaler when identifying a designated representative-in-charge as well as the procedures to notify the board when a change in the designated representative-in-charge has occurred.

Section 4196 – Veterinary Food-Animal Drug Retailer Licenses; Persons Allowed in Areas Where Drugs are Stored, Possessed, or Repacked
This section requires amendment to clarify the procedures to be followed by a veterinary food-animal drug retailer when identifying a designated representative-in-charge as well as the procedures to notify the board when a change in the designated representative-in-charge has occurred.

Amendment: 5/20/09 – This version modified §4113(a) to specify the timeframe in which the board is notified upon change of a pharmacist-in-charge.
7/6/09 – This version added two omnibus provisions previously contained in SB 820: §4200.3 and §4200.4 to rename DCA's Office of Examination Resources to the Office of *Professional* Examination Resources.

Hearing: The bill is scheduled to be heard in the Assembly Committee on Business and Professions on July 7, 2009

There was no further discussion on this measure.

d. SB 470 (Corbett) – "Purpose" bill. Proposal to amend B&P §4040 and §4076 re: prescription labeling.

At the October 2008 Board Meeting, the board voted to pursue a statutory change to replace the "condition" for which a medicine is prescribed, with the "purpose" for which the medicine is prescribed.

Senator Corbett authored SB 470 on behalf of the board to amend Business and Professions Code §4040 and §4076 to include the "condition or purpose" for which a medicine is prescribed. (In 2007, Senator Corbett authored SB 472, Chapter 470, and Statutes of 2007, requiring the board to standardize the prescription label to make them patient-centered.)

As introduced, the California Medical Association issued a "Support if Amended" letter and offered amendments which were accepted by the author (resulting in a 4/27/09 amendment).

The current version of the bill (4/30/09) amends the definition of "Prescription" in §4040(a)(1)(E) to include the condition or purpose for which the drug was prescribed, if requested by the patient or patients. Section 4076(a)(10) is amended to include the condition or purpose for which the drug was prescribed if the condition or purpose is indicated on the prescription."

While board staff has worked to establish a broad base of support for this proposal, it was necessary to make the "condition or purpose" permissive so as to remove opposition and keep the bill moving through policy committee.

Board staff will continue to advocate for this proposal and will engage stakeholders who express concerns.

Hearing: The bill passed out of ASM Business and Professions on June 30 and is now scheduled to be heard in ASM Appropriations on July 8, 2009

No discussion was provided.

e. AB 977 (Skinner) – Pharmacists: Immunization Administration. Proposal to amend B&PC §4052 and §4052.8

The board's immunization proposal, AB 977, is authored by Assembly Member Skinner. This measure, as introduced, proposed amendments to Business and

Professions Code section 4052 and added 4052.8 to authorize a pharmacist to initiate and administer immunizations pursuant to the published recommendations of the Advisory Committee on Immunization Practices (ACIP). However, the President of the Board approved amendments to allow a pharmacist to administer influenza and pneumococcal vaccinations or any other immunization pursuant to a protocol with a prescriber. Unfortunately the California Medical Association (CMA) continued to oppose the measure, even with the proposed amendments.

As amended 4/23/09, the bill provides intent language (only) which requests that the California Pharmacists Association provide information to the respective chairpersons of the Assembly Committees on Business and Professions and Health; and to the Senate Committees on Business, Professions and Economic Development, and Health on the status of immunization protocols between independent pharmacists and physicians.

CPhA is developing a survey to disseminate regarding immunization protocols. The results of the survey will be provided at a future meeting.

Status: AB 977 did not move out of policy committee by the statutory deadline

No discussion was provided.

f. AB 1071 (Emmerson) Pharmacy Fees. Proposal to Amend B&PC §4110, §4127.8, §4160, §4400, and §4127.5

AB 1071 (Emmerson), as introduced 2/27/09, adjusts application and renewal fees to ensure that the Board of Pharmacy has sufficient funds to fulfill all of its statutory obligations as a consumer protection agency. This bill also builds in a cap to increase future fees by no more than 30 percent.

This measure has passed through the Assembly unopposed and recently (6/29/09) passed from the Senate policy committee (Ayes 9. Noes 0.) To Senate Appropriations.

Staff continues to meet with legislative staff members and others to provide information and answer questions related to the board's proposal.

Hearing: AB 1071 is scheduled to be heard in SEN Appropriations on 7/6/09

No discussion was provided.

2. Legislation Introduced Impacting the Practice of Pharmacy or the Board's Jurisdiction

a. AB 718 (Emmerson) Prescription Drugs: Electronic Transmissions – Requirement to electronically transmit data by 1/1/12

Chair Lippe provided that since the committee last met, this bill has been amended twice. He stated that as currently written (6/16/09), this bill creates the Inland Empire and would require every licensed prescriber, or prescriber's authorized agent, or pharmacy operating in California to have the ability, on or before January 1, 2012, to transmit and receive prescriptions by electronic data transmission. Chair Lippe advised that the committee has not taken action on this bill.

Committee Discussion

The committee discussed whether or not it was necessary to take action on this bill. It was the consensus of the committee that action was necessary.

Shirley Wheat sought clarification regarding the funding for the bill.

Ms. Sodergren provided that, as specified in the bill, the pilot program will be funded by funds made available by the Federal American Recovery and Reinvestment Act of 2009.

There was no further discussion.

MOTION: To recommend that the Board support AB 718 as amended 6/30/09

M/S: RB/SW

Approve: 5 Oppose: 0

b. AB 830 (Cook) Drugs and Devices. References to US Pharmacopoeia; Compendia recognized by the Centers of Medicare and Medicaid

Chair Lippe provided that the board has a current position of oppose unless amended on this bill.

Committee Discussion

Ms. Herold provided that AB 830, as introduced and as amended 4/1/09 and 4/23/09, would replace USP references in Pharmacy Law with "various drug compendia references with compendia approved by the federal Centers for Medicare and Medicaid Services." She indicated that the board recently offered amendments to the author to address the board's concerns, and that those amendments were accepted. This resulted in a 7/6/09 amendment that removed

modifications to Pharmacy Law. Ms. Herold stated that the committee may want to take a formal position on the current version.

There was no further discussion.

MOTION: To recommend that the Board support AB 830 as amended 7/6/09

M/S: SW/RS

Approve: 5 Oppose: 0

c. AB 931 (Fletcher) Emergency Supplies – Doses stored in an emergency supplies container

Chair Lippe provided that this bill would increase the number of oral dosage form and suppository dosage form drugs for storage within this container from the current limit of 24, to a new limit of 48. Chair Lippe advised that recent amendments (6/17/09) provide limitations to psychotherapeutic drugs contained in the emergency kit, as specified.

Chair Lippe provided that the committee has recommended a position on this bill.

Committee Discussion

The committee expressed concern regarding the large quantity of oral and suppository drugs stored in the kit. Discussion focused on the purpose of the emergency kits and whether increasing the dosage supply is necessary.

Ms. Herold provided that this bill impacts skilled nursing facilities, which the board does not have the authority to regulate. She advised that the board should confer with the Department of Public Health, which regulates these facilities, before taking a position.

Mr. Brooks asked if there is any empirical data to support the need for this change.

Ms. Herold provided that she is unaware of such data and added that the California Pharmacists Association is the sponsor of the bill.

There was no further discussion.

d. AB 1370 (Solorio) "Best Before" date on a prescription label

Chair Lippe provided that this bill was dropped by the author. There was no further discussion.

e. SB 43 (Alquist) Cultural and Linguistic Competency

Chair Lippe provided that a recent 'gut &amend' (6/30) resulted in no impact to Pharmacy Law or the board's jurisdiction. There was no further discussion.

f. SB 389 (Negrete McLeod) – FBI and State Fingerprinting Requirements for DCA Boards and Bureaus

Chair Lippe provided that the bill would require applicants for a license and, commencing January 1, 2011, licensees who have not previously submitted fingerprints, or for whom a record of the submission of fingerprints no longer exists, to successfully complete a state and federal level criminal offender record information search, as specified. He stated that the bill would also require a licensee to, as a condition of renewal of the license, notify the board on the license renewal form if he or she has been convicted, as defined, of a felony or misdemeanor since his or her last renewal, or if this is the licensee's first renewal, since the initial license was issued.

Chair Lippe provided that the Board took a Support position on the introduced version of the bill.

Committee Discussion

Carolyn Klein, Legislation and Regulation Manager, provided that the bill failed committee passage, but was granted reconsideration.

The committee discussed how the support position may be impacted if the purpose of bill changes. Ms. Herold provided that the board president has the authority to establish a board position in the absence of the ability to convene a board meeting.

Discussion continued regarding security measures to protect data and confidential information. A description of current safeguards and security measures was provided.

There was no further discussion.

MOTION: To recommend that the Board remove its position of Support and take a position of "Neutral" on SB 389 as Amended 6/1/09

M/S: RB/SW

Approve: 5 Oppose: 0

g. SB 484 (Wright) Ephedrine Products / Schedule V

This bill would classify ephedrine, pseudoephedrine, and specified related drugs as Schedule V controlled substances, able to be possessed or dispensed only upon a lawful prescription.

Chair Lippe discussed an inconsistency with bill in the way it was amended on 5/12/09. He explained that the amendment does not classify ephedrine products as Schedule V drugs but maintains that anyone who obtains these products without a prescription is guilty of an infraction or a misdemeanor.

Committee Discussion

Ms. Herold provided an overview of the support and opposition for the bill and indicated that it did not pass out of State Assembly Committee on Public Safety. She discussed that several drug manufacturers are offering the opportunity for an alternative bill that would establish a tracking system for the state.

The committee discussed the board's position (Support as Introduced 2/26/09) and how this position will be impacted by the bill's status and substantial changes. It was clarified that the board's position refers to the bill in its original form and not the current amended form. Concern was expressed regarding the board supporting the bill due to its controversial nature and recent changes. The committee was advised that staff will be providing analyses and reviewing any dramatic changes that may require the board president to change the board's position.

MOTION: Motion to recommend that the Board remove its Support position and establish a position of "Neutral"

There was no second to the motion. Motion failed.

There was no further discussion.

h. SB 762 (Aanestad) Professions and Vocations; Healing Arts

This bill would also make it unlawful for a city, county, or city and county to prohibit a healing arts licensee from engaging in any act or performing any procedure that falls within the professionally recognized scope of practice of that licensee, but would prohibit construing this provision to prohibit the enforcement of a local ordinance effective prior to January 1, 2010, as specified.

Committee Discussion

Chair Lippe advised that the bill was enrolled and went to the Governor on June 29, 2009.

Ms. Klein provided that the bill was chaptered on 7/2/09. Chapter 16, Statutes of 2009.

There was no further discussion.

3. Legislation That Failed Passage Deadline, May Become Two Year Bill

a. AB 418 (Emmerson) Pharmacy Technicians – Education and CE Requirements

This bill would alter the requirements for licensure as a pharmacy technician as well as establish continuing education requirements as a condition of renewal. This measure was last amended on 4/13/09, but failed to pass policy committee before the statutory deadline.

Current Board Position: Support (as Amended 4/30/09)

There was no discussion on this measure.

b. AB 484 (Eng) Licensees not in compliance with judgment or order; enforcement; action on a license

Current law requires every board to provide the Franchise Tax Board (FTB) with specified information upon request from the FTB. This measure, instead, requires that governmental entities who issue professional licenses provide specific information to the Franchise Tax Board for every licensee. The bill further requires that if a licensee fails to pay taxes for which a state lien has been recorded, to send a notice of suspension to the applicable governmental agency and the licensee. Administrative remedies now available to licensees remain. The sponsor (FTB) asserts that current state law lacks an effective method to collect from a tax debtor who is an individual licensed to engage in an occupation or profession operating on a cash basis. This measure is an attempt to suspend one's licensing status because of unpaid tax liabilities.

This measure failed to pass policy committee and did not meet the deadline for bills to be passed out of the house of origin (J.R. 61(a)(8)).

Current Board Position: Support (as Amended 4/20/09)

There was no discussion on this measure.

c. AB 877 (Emmerson) (*Intent language*)Healing Arts; DCA Committee Analysis; Scope of Healing Arts Practice

This bill declared intent to establish within the Department of Consumer Affairs a committee to perform occupational analysis on any legislative proposal which seeks to expand the scope of practice of a healing arts practice. The most recent amendment (4/14/09) requires the applicable board for which the occupational analysis was being conducted to bear the cost of that analysis and written report. The bill was held under submission in ASM Appropriations and did not meet the deadline for bills to be passed out of the house of origin (J.R. 61(a)(8)).

Board Position: None

There was no discussion on this measure.

d. AB 1458 (Davis) Drugs: Adverse Effects Reposting

This bill requires pharmacists and other licensed health professions to report to the Federal Drug Administration's MedWatch adverse drug events, as defined. The most recent amendment (5/5/509) specified definitions for "Licensed health professional" (to include a pharmacist) and "Serious adverse drug events." The bill was placed on the ASM Appropriations Suspense File and failed passage by the deadline.

Current Board Position: Support (as Amended 4/15/09)

No discussion was provided.

e. SB 26 (Simitian) Home-Generated Pharmaceutical Waste

This bill would require the board to coordinate with other state agencies, local governments, drug manufacturers, and pharmacies to develop sustainable, efficient policies and programs to manage pharmaceutical wastes and the disposal of devices. The bill would authorize a pharmacy to accept the return of home-generated pharmaceutical waste and home-generated sharps waste, as defined.

Board Position: Oppose Unless Amended (as Amended 4/15/09)

Committee Discussion

Ms. Herold provided that this bill has stalled in the Senate Appropriations because of the expense to the state in implementing the program.

There was no further discussion.

f. SB 238 (Calderon) Prescription Drugs

The bill amends various provisions of the Civil, Health & Safety, and Insurance Code related to the prescription, dispensing and insurance coverage of 90-day supplies of prescription medication, as specified. The bill was never heard in SEN Health (first policy committee).

No discussion was provided.

g. SB 341 (DeSaulnier) California Department of Public Health. CDPH to contract with UC to study/evaluate the safety and effectiveness of prescription Drugs

CDPH to contract with UC to study / evaluate the safety and effectiveness of prescription drugs, to be implemented only by federal or private funds, or both. The bill was held in submission in SEN Appropriations.

No discussion was provided.

h. SB 638 (Negrete McLeod) DCA regulatory boards; sunset reviews; operations; report requirements

The bill passed from SEN BP&ED to SEN Committee on Rules.

Committee Discussion

Ms. Herold provided that this bill is currently stalled in the Senate Committee on Rules. She stated that this bill would redefine the board's sunset date and that of nine other boards, which is currently July 1, 2010. Ms. Herold advised that if the board does sunset, it will be merged into the Department of Consumer Affairs. She indicated that the Senate Business, Professions and Economic Development Committee is looking for another vehicle in which to place the board's sunset provision.

Ms. Herold suggested that if no other legislative vehicle is identified, the board may wish to consider placing the board's sunset date extension into one of the board's bills that is currently in the second house.

Discussion continued regarding the sunset date extension process and the option of adding the extension to another legislative measure. It was the consensus of the committee that, as a formal agenda item, this issue be discussed by the Board at its July 2009 Board Meeting.

MOTION: To formally recommend to the board that the Board of Pharmacy's sunset extension provision be placed in another bill.

M/S: RS/SW

Approve: 5 Oppose: 0

4. Other Legislation Introduced (Of Interest or for Information Only)

a. AB 832 (Jones) Clinic Licensing

Chair Lippe provided that this bill is no longer of interest. There was no further discussion.

b. AB 1094 (Conway) Disposal of Personal Information

No discussion was provided.

c. AB 1201 (Perez) – Immunizations (physician reimbursement)

No discussion was provided.

C. STRATEGIC PLAN UPDATE FOR THE LEGISLATION AND REGULATION COMMITTEE FOR 2009-10

Ms. Herold provided that at the July Board Meeting, the board will update its 2009-10 Strategic Plan. She stated that the board truly manages its operations by its strategic plan. Ms. Herold advised that all activities undertaken by the board are reported in the plan – in the component committee reports provided quarterly to the board (in the board packets).

Ms. Herold provided that each fiscal year, the board updates its strategic plan. She stated that the current plan was developed in 2006-07 with the assistance of a consultant. Ms. Herold indicated that since then, each year the board has reviewed and as necessary revised its strategic plan. She advised that these are typically minor adjustments and additions.

Ms. Herold provided that the revision is done by each strategic committee by reviewing its portion of the strategic plan, making recommendations and then recommendations to the full board for review and approval at the board meeting.

Ms. Herold reviewed the contents of the strategic plan for the Legislation and Regulation Committee.

Ms. Sodergren reviewed the updated tasks that have been added to the plan.

MOTION: To approve the strategic plan update for the Legislation and Regulation Committee for 2009-10

M/S: Weisser/Wheat

Approve: 5 Oppose: 0

D. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

No public comment was provided.

The meeting was adjourned at 12:06 p.m.