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

**STATE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
COMMUNICATION AND PUBLIC EDUCATION COMMITTEE
MINUTES**

DATE: July 14, 2010

LOCATION: Department of Consumer Affairs
El Dorado Conference Room, Second Floor N-220
1625 N. Market Boulevard
Sacramento, CA 95834

COMMITTEE MEMBERS

PRESENT: Ryan Brooks, Public Member, Chair
Ramón Castellblanch, Public Member
Rosalyn Hackworth, Public Member
Shirley Wheat, Public Member
Deborah Veale, RPh

STAFF

PRESENT: Virginia Herold, Executive Officer
Anne Sodergren, Assistant Executive Officer
Robert Ratcliff, Supervising Inspector
Tessa Fraga, Staff Analyst

Call to Order

Chair Brooks called the meeting to order at 10:07 a.m.

1. Review and Discussion of the 39th Annual Report of the Research Advisory Panel of California

Executive Officer Virginia Herold provided background on the Research Advisory Panel. She stated that the California Health and Safety Code establishes the panel to oversee research involving use of controlled substances. Ms. Herold indicated that the board has one representative on this panel – Dr. Peter Koo of UCSF.

Ms. Herold reviewed the contents of the panel's annual report recently submitted to the Legislature and Governor.

Chair Brooks asked who appoints the board's representative to the panel.

Ms. Herold provided that the board would appoint the representative in the event that it became vacant.

Chair Brooks suggested that the board evaluate Dr. Koo's performance on the panel.

The committee discussed the scope of the research evaluated by the panel.

Ms. Herold offered to invite the panel's executive officer to address the board at a future board meeting.

No public comment was provided.

2. Development of Consumer Education Videos for the Board's Web Site

Chair Brooks provided that at the end of 2009, the Board of Pharmacy worked with the Department of Consumer Affairs (DCA) and a private vendor to develop a three minute video for consumers about how patients can prevent receiving a medication error.

Chair Brooks provided that under development as a board/DCA collaboration is development of a new video on the dangers of buying drugs from the Internet.

Ms. Herold provided that the medication error video is available on the board's Web site. She indicated that DCA has drafted a script for the next video on internet sales of medication. Ms. Herold stated that it is anticipated that this video will be completed by the end of the summer.

Chair Brooks provided comment on ensuring that the public has access to the videos posted on the board's Web site.

Ms. Herold provided that with these videos the board is looking to extend the its outreach to other media such as You Tube.

Russ Heimerich, representing DCA's Office of Public Affairs, provided that videos posted on You Tube will include a link to the board's Web site and to the department's Web site.

Deborah Veale suggested that the video could be run as a public service announcement.

Chair Brooks volunteered radio time from CBS to ensure that the information in the videos is reaching consumers.

Ramón Castellblanch asked if the video provides information on how to purchase drugs safely on the Internet.

Kim Brown, representing DCA Office of Public Affairs, indicated that the video provides an overview of the potential dangers for purchasing drugs on the Internet as well as instructions on how to obtain these drugs securely. She stated that filming for the video is expected to begin on July 16, 2010.

No public comment was provided.

3. Update and Discussion on Consumer Fact Sheet Series with California School of Pharmacy Interns

Chair Brooks provided that several years ago, the board approved a proposal by the committee to integrate pharmacy students into public outreach activities. He stated that the intent was to offer students the opportunity to work with the board on meaningful projects promoting consumer education, while the board would benefit from the production of the materials.

Chair Brooks provided that initially the project was initiated with UCSF and their Center for Consumer Self-Care. He stated that over the course of several years, approximately nine fact sheets were developed; however, funding issues prevented UCSF from continuing to do the project without a stipend from the board.

Chair Brooks provided that earlier this year, board staff again contacted each of the California schools of pharmacy to initiate the project. He indicated that currently there are four schools who have confirmed their participation.

Chair Brooks asked whether public outreach could be built into the curriculum requirements. He suggested that pharmacy students could provide outreach information and education to pharmacies.

Ms. Herold stated that the University of the Pacific has integrated the review of the fact sheets into their curriculum. She stated that other schools have added this area into their curriculum as well.

Ms. Veale suggested that the committee prioritize fact sheet topics for development.

No public comment was provided.

4. Public Education Materials Under Development and Proposed for the Future

Chair Brooks provided that board staff is working on the development of and revision of new public education materials in the following areas:

1. Preventing Falls
2. Put the chill on myths about colds and flu
3. An Aspirin a day? maybe...check it out
4. Bringing prescription drugs into the U.S. from foreign countries
5. What you should know before buying prescription drugs on the Internet
6. Counterfeit drugs
7. Prescription Drug Discount Programs (Patient Assistance Programs)

The committee discussed the implementation of the notification requirement in Section 1707.5 of Division 17 of Title 16 of the California Code of Regulations regarding patient-centered labels.

Dr. Castellblanch suggested that the board review possible options and techniques, including the use of a TV screen, to determine the best means to effectively communicate the 12-point option to consumers.

Mr. Brooks requested that board staff review best practices in this area and to report back to the committee. He also suggested that the board consult representatives from the media field on how best to provide this information to consumers.

Russ Heimerich, representing DCA's Office of Public Affairs, reviewed the written communication strategies that have been developed for the patient-centered label regulation including a press release, an article to be sent to target websites and publications, a consumer education video, and a tip card.

Discussion continued regarding the implementation of the notice requirement. Concern was expressed regarding available space within pharmacies to post the notice and the possibility that the notice may contain too much information and lead to confusion for the consumer.

Ms. Veale advised that the notice should not be overly focused on the 12-point font option. She stated that this information should be balanced with the other important information on the notice.

Dr. Castellblanch sought clarification regarding the status of the implementation of the regulation.

Ms. Herold provided that the rulemaking file is currently being reviewed by the board's legal counsel. She explained that the file will then go to the director for approval; technically DCA has 30 calendar days to review and approve (or reject) the rulemaking file. Upon approval, the file will be sent to the Office of Administrative Law (OAL) and then to the Secretary of State. Ms. Herold stated that she anticipates that it will be at least three months before the regulation has

completed review from the OAL. She indicated that the board will have an opportunity to discuss the requirements for the proposed notices at the July 2010 Board Meeting.

Shirley Wheat thanked the department for the development of the public outreach strategies in this area.

Mr. Heimerich provided that it is intended that the public will be educated in this area before they enter a pharmacy. He stated that the department wants to increase awareness prior to the effective date of the regulation.

Chair Brooks asked if the department is working with the Medical Association in this area.

Mr. Heimerich responded that the Medical Association is not involved at this time. He stated that the department hopes to recruit other entities to help notify consumers.

Mr. Brooks provided comment on the potential for other medical professionals, including doctors, to help disseminate this information.

Public Comment

Steve Gray, representing Kaiser Permanente, provided that public outreach should also emphasize to patients the importance that the purpose for the medication can be included on the label. To achieve this, prescribers must add purpose to the prescription document.

Gil Deluna, representing the DCA Unlicensed Activity Program, suggested that the board consider the use of focus groups to determine the most effective way to provide consumers with information.

Syed Sayeed, representing Consumers Union, encouraged the board to ensure that the notices are as clear and accessible as possible. He expressed concern with some of the regulation requirements and encouraged the board to work with physicians to ensure that consumer needs are being met.

Mr. Brooks suggested that Mr. Sayeed submit written comments to the board.

Carl Britto encouraged the committee to also educate the pharmacists on the new requirements.

Dr. Castellblanch encouraged the committee to establish focus groups including seniors and people with low English proficiency.

Mr. Heimerich provided that the department now offers a wider range of services including more videographers and other resources available to the board. He encouraged the committee to contact the department regarding any additional public outreach projects.

Dr. Gray suggested that the board consider using the department to compose a video component of the notice posters.

There was no additional committee discussion or public comment.

5. Future Assessment of the Board's Public Outreach Materials

Chair Brooks provided that the beginning of the fiscal year marks a good time for the committee to assess and identify its public education materials and determine priorities for the next year or so. He stated that the outcome of this evaluation eventually needs to be blended into the board's strategic plan.

Chair Brooks provided that the committee may want to designate one or two board members to work with staff on this assessment and bring the report back to the committee for a thorough discussion.

Chair Brooks nominated Ms. Veale for this assessment.

Dr. Castellblanch volunteered to work on the assessment as well.

No public comment was provided.

6. Update on *The Script*

Chair Brooks provided that work on the July 2010 issue of *The Script* has been completed by staff and the text is undergoing legal review. He stated that the issue will focus on implementation and questions and answers about pharmacy law. Chair Brooks added that this issue will also include an update to licensees about the requirements for patient-centered prescription container labels.

Chair Brooks provided that the future publication including the July 2010 issue of *The Script* will be done electronically, rather than in print. He indicated that this will allow the board to comply with budget restrictions, and save at least \$25,000 annually.

Chair Brooks provided that work will soon begin on the January 2011 edition.

Public Comment

Philip Swanger, representing the California Society of Health-System Pharmacists (CSHP), asked whether *The Script* will include a section to address the new compounding regulations.

Ms. Herold provided that the board will produce a Q&A fact sheet on this issue and may include Q&As as a segment at future Enforcement Committee Meetings.

There was no additional committee discussion or public comment.

7. Request to Develop Readiness Articles for Pharmacy Responders for Disaster Response

Chair Brooks stated that the California Pharmacists Association's (CPhA) Emergency Response Committee recently contacted the board with the following two requests:

1. First, can the committee provide the board with an emergency preparedness survey (rather than a link to it) that can be sent to your listserve (aka "subscriber alert")? The committee is trying to gauge what licensed pharmacists know and what actions they have taken to get prepared for emergencies, so the committee can better tailor its next set of messages.
2. Also, the committee would like to prepare some emergency response communications specifically for pharmacists on how to respond to specific disasters, such as fire, earthquake, etc. They are to be in advisory nature, and are intended to answer the inevitable questions that come up when disasters strike, such as "how can I help?." Since the board has direct access to all licensed pharmacists, the committee would like to provide the board with these messages that have been appropriately vetted with disaster response officials, to be sent out in times of need.

Cathi Lord, representing CPhA, provided an overview of the Emergency Response Committee. She stated that the committee was created to engage pharmacists in emergency response efforts. Ms. Lord reviewed CPhA's requests to the board to help facilitate efforts in this area, and provided a packet of information.

Mr. Brooks asked whether there are any pharmacists on the first responder team.

Carl Britto, representing the CPhA Emergency Response Committee, responded that pharmacists are constantly being recruited in this area. He stated that the committee is hoping to expand its consumer protection area and pharmacist awareness with the help of the board.

Chair Brooks suggested that CPhA also seek the help of the Governor's Office of Emergency Services (OES).

Ms. Lord provided that the committee is currently working with OES.

Public Comment

Steve Gray, representing Kaiser Permanente, provided that emergency preparedness is an ideal topic for the board to consider for periodic mandatory continuing education.

Mr. Britto discussed the patient's responsibility with respect to emergency preparedness. He encouraged consumers to carry a list of their medications and health care providers.

There was no additional committee discussion or public comment.

8. Public Outreach Activities Conducted by the Board

Chair Brooks referenced the following public and licensee outreach activities performed during the fourth quarter of Fiscal Year 09/10:

- April 12, 2010 -- Executive Officer Herold presented information about the Board of Pharmacy and ongoing projects at a California Society of Health-System Pharmacists Board of Directors Meeting in Sacramento.
- May 5, 2010 - Executive Officer Herold and Supervising Inspector Ratcliff presented information about the Board of Pharmacy and answered questions about pharmacy law to 60 Costco Northern California pharmacy managers.
- May 13, 2010 – Board Member Kajioka provided presentations to students at the University of the Pacific about new pharmacy law and projects at the Board of Pharmacy.
- May 21, 2010 – Supervising Inspector Nurse made a presentation about drug thefts and robberies from pharmacies at a day-long San Diego Pharmacy Conference hosted by the federal Drug Enforcement Administration. Over 100 pharmacy representatives attended.
- May 23, 2010 -- Board President Schell and Executive Officer Herold hosted a booth at the annual National Association of Boards of Pharmacy Meeting in Orange County.
- May 29, 2010 -- Inspector Toevs provided a presentation about lowering drug costs at a community meeting hosted by Senator Liu in Los Angeles.
- June 2, 2010 - Executive Officer Herold presented information about the board's compounding requirements and other key board issues to a meeting of the Bay Area Pharmacy Directors at Stanford.
- June 7, 2010 - Executive Officer Herold attended a conference hosted by the California Endowment on Building Quality and Equitable Health Care Systems in Los Angeles.

- June 17, 2010 – Board Member Schell and Executive Officer Herold participated in a High Risk Drug Task Force Meeting, hosted by the California Hospital Association.
- June 25, 2010 – Executive Officer Herold attended a Medication Safe Alliance Conference in San Francisco hosted by the Pharmacy Foundation of California.
- June 29, 2010 – Executive Officer Herold presented information on the role of the executive officer at the Department of Consumer Affairs Board Member Orientation in Sacramento.

Chair Brooks requested that board staff send a schedule of these events in advance to the board members.

No public comment was provided.

9. Development of Policy for Activation of the Board's E-Mail Notification Subscriber Alert System

Chair Brooks provided that for at least four years, the board has had an email "subscriber alert" system, by which those interested in receiving email notices from the board about information the board believes is important can receive such notices. He stated that over the last few years, the board has used the subscriber alert system to advise licensees (and other interested parties) about:

- Drug recalls, where the drug is being recalled from the pharmacy or patient
- Emergency response declarations
- Board meeting agendas and meeting materials being released to the public
- Publication and availability of the board's newsletter, *The Script*
- New materials being added to the board's Web site
- "All Facility Letters" released by the California Department of Public Health
- Changes in the CURES program affecting board licensees

Chair Brooks provided that since July 2010, the California law now requires that all sites licensed by the board become subscribers to the board's subscriber alert system. He stated that individuals who are licensed by the board can become subscribers voluntarily; they are not required to do so. Chair Brooks indicated that currently pending in the California Legislature is SB 1489, which contains an amendment that would allow pharmacy "chains" with multiple pharmacies with the same owner to use a company's internal email notification system for the board's subscriber alert system so long as the headquarters becomes a subscriber, and immediately disseminates the board's subscriber alert message to all of its component pharmacies.

Chair Brooks provided that the board has also begun to use the subscriber alert system as the primary way to notify licensees about changes in pharmacy laws and regulations, and to distribute the newsletter.

Chair Brooks provided that given the number of requests the board is beginning to receive, staff request that a policy statement be developed by the board about the use of the subscriber alert system. He reviewed the following draft:

The Board of Pharmacy's subscriber alert system is an email notification system used by the board to advise its licensees and other interested parties who are self subscribers about California State Board of Pharmacy policies, publications and activities that impact the board's regulatory jurisdiction or public protection mandate. On occasion, the board will release notices about other matters impacting public health of wide appeal or urgency (such as drug product recalls, notices from other state or federal agencies, emergency declarations).

Under California law, all sites licensed by the board are required to become subscribers and maintain their current email addresses with this system so that they can receive these board notices. However, the board recognizes the potential to overload licensees and subscribers with less important or unwanted notices, with the ultimate impact that all subscriber alerts sent by the board become viewed with less focus and discernment. As such, the board's executive staff will approve each subscriber alert before release to ensure that the notice advances the board's public protection mandate or relates to the board's regulatory jurisdiction.

Mr. Brooks suggested that emails regarding drug recalls be sent in a different color to emphasize the high importance of the message.

Ms. Herold provided that emails regarding drug recalls will be highlighted in some fashion. She stated that board staff has been working with the wholesale drug association to ensure that the board receives direct recall information to disseminate to licensees but there is hesitancy by some manufacturers for this to occur.

Ms. Veale suggested that the memo line can contain specific information to add emphasis to the email such as "Board of Pharmacy - Drug Recall."

Ms. Wheat agreed that the memo line for drug recall emails should be emphasized.

Rosalyn Hackworth suggested that the email can also be sent with the high importance option.

Public Comment

Steve Gray, representing Kaiser Permanente, asked for a status update regarding SB 1489.

Ms. Herold stated that SB 1489 is pending in the Legislature. She stated that one provision in the bill requires the pharmacy chains to immediately send the notification to its stores without any modification. Ms. Herold indicated that board staff is unaware of any opposition to the bill.

Chair Brooks recommended that board staff evaluate best practices and review how other boards of pharmacy are disseminating important information to their licensees.

There was no additional committee discussion or public comment.

MOTION: To recommend that the board move forward with the draft statement. Direct staff to evaluate procedures for emphasizing alerts regarding drug recalls.

M/S: Brooks/Veale

Support: 4 Oppose: 0 Abstain: 1

10. Web Casting of Board and Committee Meetings

Chair Brooks stated that the Department of Consumer Affairs now has technology and staff to facilitate the web casting of board and committee meetings. He indicated that one board meeting (October 2009) has been web cast.

Chair Brooks provided that the committee has been asked by staff to develop a policy for referral to the board on whether to web cast some or all of its board meetings and committee meetings.

Chair Brooks asked if the board will incur any cost.

Ms. Herold provided that there will be no cost to the board as the department absorbs the cost as part of the board's pro rata payments to the department. She indicated that the web casts will be broadcast only, not interactive.

MOTION: Web cast the board's Board Meetings when technologically feasible.

M/S: Castellblanch/Brooks

Support: 4 Oppose: 0 Abstain: 1

11. Strategic Plan Update for the Communication and Public Education Committee for 2010/11

Dr. Castellblanch suggested several additions to the strategic plan including the following objectives or tasks.

- direct more outreach effort towards prescribers
- educate the public with regards to the patient-centered label regulation
- educate licensees regarding the dispensing of drugs during an emergency
- develop a proactive program to reduce the prevalence of drug abuse among pharmacists

Ms. Herold provided that the board revises its plan each year to keep it current. She stated that during the July 2010 Board Meeting, the board will review any modifications to the strategic plan recommended by each committee for development of the 2010-11 strategic plan. Ms. Herold explained that the committee can add activities and objectives throughout the year.

The committee discussed the objectives listed on the plan. Tasks were evaluated to determine any needed changes or modifications.

Public Comment

Steve Gray, representing Kaiser Permanente, suggested that a new objective be added to address the communication to other health care professionals. He also recommended that the board provide clarification regarding the roles of pharmacists and pharmacy technicians.

Ms. Veale suggested the addition of the following objectives:

- Number of communication venues developed to professional non-licensees (e.g., physicians)
- Assessment of educational materials

Chair Brooks requested research regarding the number of pharmacists affected by drug abuse.

Dr. Castellblanch offered to gather research in this area.

Ms. Herold provided that pharmacy schools educate their students about the board's Pharmacists Recovery Program (PRP). She added that the board has PRP brochures that are available as well.

Ms. Herold provided that the board is understaffed with respect to its public education program. She expressed concern regarding the board's ability to take on additional projects involving non-licensees. Ms. Herold stated that she would work with the editor for the Medical Board's newsletter to help disseminate information to physicians.

Assistant Executive Officer Anne Sodergren provided that because this topic involves various disciplines, the department's Public Affairs Office may also participate in this process.

Gil Deluna, representing the DCA Unlicensed Activity Program, provided that the department has an outreach program that encompasses all boards and bureaus. He indicated that this program may be able to help in this effort as well.

Dr. Castellblanch offered to coordinate a program with the master's students at San Francisco State to work with the board on developing new materials for the public.

MOTION: Add the following objectives to the committee's strategic plan:

- Number of communication venues developed for other health care professional licensees (e.g. physicians)
- Assessment of educational materials

M/S: Castellblanch/Brooks

Support: 4 Oppose: 0 Abstain: 1

There was no additional committee discussion or public comment.

12. Public Comment for Items Not on the Agenda

No public comment was provided.

The meeting was adjourned at 12:13 p.m.

Communication Strategies for Patient Centered Labels

Patient Centered Labels: a Consumer Protection

Labels on prescription bottles provide critical information for the patient/caregiver on the identity of the medication, strength, dosage, and directions for taking the medication. New labeling regulations requiring pharmacists to use larger type font will help reduce the number of errors that arise when patients/caregivers cannot clearly read the text.

Objective

The goal of the communications campaign is to raise awareness among consumers about the new labeling requirements and the advantages to the consumer.

Strategies

1. Produce press release and send to news outlets statewide, explaining the new regulations, when the regulations take effect and the value of the new labels to consumers.
2. Repurpose press release as article to be sent to target websites/publications, such as
 - a. Seniors publications, high-traffic blogs on senior issues
 - b. pharmacy associations' websites/publications
 - c. medical associations' websites/publications
3. Video
Create a brief (under 2 minutes) video for the TakeCharge consumer education video series – highlighting the advantages of the label.
4. Tip Card
Produce tip card (using TakeCharge tip card format) for consumers, listing advantages of the new label.
 - a. Outreach Unit will distribute tip card at DCA outreach events.