



**California State Board of Pharmacy
Department of Consumer Affairs
Public Board Meeting Minutes**

Date: December 10, 2020

Location: Teleconference Public Board Meeting
Note: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-25-20, dated March 17, 2020, neither a public location nor teleconference locations are provided.

Board Members

Present: Gregory Lippe, Public Member, President
Debbie Veale, Licensee Member, Vice President
Maria Serpa, Licensee Member, Treasurer
Ryan Brooks, Public Member
Lavanza Butler, Licensee Member
Shirley Kim, Public Member
Seung Oh, Licensee Member
Jignesh Patel, Licensee Member
Jason Weisz, Public Member
Albert Wong, Licensee Member

Board Members

Not Present: Ricardo Sanchez, Public Member

Staff Present:

Anne Sodergren, Executive Officer
Lyle Matthews, Assistant Executive Officer
MaryJo Tobola, Senior Enforcement Manager
Norine Marks, DCA Staff Counsel
Eileen Smiley, DCA Staff Counsel
Debbie Damoth, Administration Manager

I. Call to Order, Establishment of Quorum, and General Announcements

President Lippe called the meeting to order at 9:01 a.m.

As part of the opening announcements, President Lippe reminded everyone that the Board is a consumer protection agency charged with regulation the practice of pharmacy and that public protection shall be the highest priority for the Board.

Further President Lippe noted that the meeting was being conducted consistent with the provisions of Governor Gavin Newsom's Executive Order N-29-20.

Provisions for providing public comment throughout the meeting were reviewed.

President Lippe advised those participating in the teleconference the Board would convene in closed session after deliberating on the open session items, except adjournment.

Roll call was taken. Board Members present: Debbie Veale, Maria Serpa, Lavanza Butler, Jignesh Patel, Jason Weisz, Albert Wong, Seung Oh, Greg Lippe, and Ryan Brooks. A quorum was established.

II. Public Comments on Items Not on the Agenda/Agenda Items for Future Meetings

During the meeting members of the public were provided the opportunity to provide public comment on items not on the agenda.

A member of the public requested future discussion on the FDA Memorandum of Understanding. Members were advised that this topic would be scheduled for the upcoming Enforcement and Compounding Committee.

Member Kim joined the meeting at 9:08 a.m.

III. Discussion and Consideration of Joint Sunset Review Issues

Members were provided with the opportunity to discuss and provide comments on the draft responses to issues raised in the Joint Committee's Oversight Background Paper. As the Board considered the various issues, prior history of the Board's discussion was displayed.

President Lippe noted his agreement with the draft responses included the policy recommendations offered by staff. Further President Lippe indicated his agreement with the statutory proposal provided related to the regulation of outsourcing facilities noting the recommendation and language was appropriate and consistent with the Board's consumer protection mandate.

Members discussed the issue related to the Board's ability to hire its own counsel with members speaking in support of such authority. Members expressed concern that the issue was not pursued further.

Some members also noted agreement with need to survey pharmacists about working conditions.

Following member comments, members of the public were provided the opportunity to also respond to the draft responses.

Public comment spoke in support of a dedicated Board member with expertise in compounding, requested the Board consider transitioning to the MPJE, appreciated the Board's indication that it will evaluate a standard of care model, and support for policy to increase fines, and expressed concern with the outsourcing proposal.

In response to comments the Board voted to modify the draft response to Issue #2 – Board composition.

Motion: Strike the last sentence in response to Issue #2

M/S: Veale/Oh

Public comment: Members of the public provided comments in support of the motion.

Support: 8

Oppose: 0

Abstain: 1

Not Present: 2

Board Member	Vote
Brooks	Not present
Butler	Support
Kim	Support
Lippe	Support
Oh	Support
Patel	Support
Sanchez	Not present
Serpa	Support
Veale	Support
Weisz	Abstain
Wong	Support

In response to comments made regarding Issue 11, the Board voted to modify the language to specifically mention the MPJE.

Motion: Amend the response to Issue 11 to the following:

The Board looks forward to the results of the assessment to help determine if changes are appropriate to the pharmacist licensure examination used to assess for minimum competence prior to issuance of a pharmacist license, including a possible transition to the MPJE, if appropriate.

M/S: Veale/Butler

Members of the public were provided with an opportunity to provide comments; however, no additional comments were provided.

Support: 8

Oppose: 0

Abstain: 1

Not Present: 2

Board Member	Vote
Brooks	No present
Butler	Support
Kim	Support
Lippe	Support
Oh	Support
Patel	Support
Sanchez	Not present
Serpa	Support
Veale	Support
Weisz	Abstain
Wong	Support

A brief recess of the meeting occurred between 10:15 a.m. and 10:25 a.m. Upon resumption of the meeting a roll call was taken. Members present: Debbie Veale, Maria Serpa, Lavanza Butler, Jig Patel, Jason Weisz, Albert Wong, Seung Oh, and Greg Lippe.

Motion: Approve the draft document as amended.

M/S: Veale/Butler

Members of the public were provided with an opportunity to provide comments; however, no additional comments were provided.

Support: 7

Oppose: 0

Abstain: 1

Not Present: 3

Board Member	Vote
Brooks	No present
Butler	Support
Kim	No present
Lippe	Support
Oh	Support
Patel	Support
Sanchez	Not present
Serpa	Support
Veale	Support
Weisz	Abstain
Wong	Support

IV. Discussion and Consideration of Requests to Waive Pharmacy Law Provisions Consistent with the Authority of Business and Professions Code section 4062

During the meeting the Board elected to take agenda items out of order and proceeded to Agenda Item 5. After the Board completed its discussion and action on agenda item 5, it did not return to this agenda item as additional delegated authority was granted to the President.

V. Discussion and Consideration of Policy Granting the President Discretion to Waive Provisions of Pharmacy Law Pursuant to Business and Professions Code section 4062

Member Veale noted that the meeting materials offered recommendations for several broad waivers, noting that the recommendations primarily included recommendations to extend waivers to either May 31 or August 31. Ms. Veale noted that she did not believe the President would take advantage of additional delegated authority and offered a motion to provide the President the authority to extend waivers through August 31 or sooner at the President's discretion.

The Board considered what would be appropriate delegated authority for the President. The Board clarified that new waivers would follow under the current delegated authority which provides the President with the authority to issue a waiver for up to 90 days and extend waivers to two additional 90-day periods.

After additional discussion, the Board considered the following motion.

Motion: Delegate to the President, authority to use discretion on waivers through August 31, 2021, or until 30 days following the end of the declaration, whichever is sooner.

M/S: Veale/Serpa

Public comment: Members received public comments expressing appreciation for the Board efforts to support the UC system as well as support for the motion, including the provision to allow for a waiver to remain in effect until 30 days following the end of a declaration if determined appropriate.

Support: 8

Oppose: 0

Abstain: 0

Not Present: 3

Board Member	Vote
Brooks	No present
Butler	Support
Kim	Not present
Lippe	Support
Oh	Support
Patel	Support
Sanchez	Not present
Serpa	Support
Veale	Support
Weisz	Support
Wong	Support

VI. Closed Session Matters

The Board moved into closed session at 10:52 a.m.

Reconvene in Open Session

The Board adjourned after closed session at approximately 11:16 a.m.