



California State Board of Pharmacy
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Business, Consumer Services and Housing Agency
Department of Consumer Affairs
Gavin Newsom, Governor



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

Date: August 25, 2022

Location: Note: Pursuant to the provisions of Government Code section 11133, neither a public location nor teleconference locations are provided. Public participation also provided via WebEx

Board Members

Present: Seung Oh, Licensee Member, President
Maria Serpa, Licensee Member, Vice President
Jignesh Patel, Licensee Member, Treasurer
Renee Barker, Licensee Member
Jessica Crowley, Licensee Member
Jose De La Paz, Public Member
Ricardo Sanchez, Public Member
Nicole Thibeau, Licensee Member
Jason Weisz, Public Member

Board Members

Not Present: Indira Cameron-Banks, Public Member
Kula Koenig, Public Member

Staff Present: Anne Sodergren, Executive Officer
Laura Freeman, DCA Staff Counsel
Debbie Damoth, Executive Specialist Manger

August 25, 2022

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

President Oh called the Board Meeting to order at approximately 4:01 p.m.

President Oh reminded all individuals present that the Board is a consumer protection agency charged with administering and enforcing Pharmacy Law. Where protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. Department of Consumer Affairs' staff provided

general instructions for the WebEx Board Meeting for members of the public participating in the meeting.

Roll call was taken. Board Members present included: Maria Serpa, Licensee Member; Jig Patel, Licensee Member; Renee Barker, Licensee Member; Jessi Crowley, Licensee Member; Ricardo Sanchez, Public Member; Nicole Thibeau, Licensee Member; Jason Weisz, Public Member; and Seung Oh, Licensee Member. A quorum was established.

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

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

III. **Discussion and Consideration of Waiver of Pharmacy Law Provisions Consistent with the Authority in Business and Professions Code Section 4062 In response to State of Emergency related to Monkeypox**

a. Prescriber Dispensing of TPOXX Oral Antiviral Medication to Emergency Room Patient

President Oh advised Business and Professions Code (BPC) section 4062 provides authority for the Board to issue a waiver of Pharmacy Law or its regulations adopted pursuant to it, if in the Board's opinion, the waiver will aid in the protection of public health or the provisions of care. Dr. Oh stated in response to Governor Newsom's state of emergency declaration to support the state's response to MPOX, through authority delegated to the Board President, Dr. Oh approved a waiver to allow for the dispensing of TPOXX, an oral antiviral medication, to an emergency room patient under specified conditions. Dr. Oh advised consistent with the delegated authority, the waiver would remain in place until September 1, 2022, unless the Board took action to extend it. Dr. Oh advised that the TPOXX waiver included the same approach as the Board's similar waiver to allow for dispensing for COVID therapeutics.

Members were provided with an opportunity to provide comments. Members discussed if a rolldown is necessary and spoke for the need noting the long incubation period for MPOX. Member Thibeau suggested that the Board take a strong stance and suggested 90 days following the end of the declared disaster.

Member De La Paz joined the meeting at 4:10 p.m.

Motion: Approve an extension of the waiver to allow for the dispensing of TPOXX oral antiviral medication to an emergency room patient under specified conditions until 90 days following end of the declared emergency.

M/S: Thibeau/Sanchez

Members of the public were provided with an opportunity to provide comments. The Board heard a comment inquiring if the generic name of the drug should be included.

Support: 9 Oppose: 0 Abstain: 0 Not Present: 2

Board Member	Vote
Barker	Support
Cameron-Banks	Not present
Crowley	Support
De La Paz	Support
Koenig	Not present
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Weisz	Support

- b. Policy Granting President Discretion to Waive Provisions of Pharmacy Law Related to the State of Emergency Declared for MPOX

President Oh advised there was an opportunity for the Board discuss the ability to delegate additional authority to the President to waive provisions related to MPOX, like the approach used to respond to COVID. Dr. Oh recalled as part of the April 2022 Board meeting, the Board voted to delegate to the President the authority to approve or extend waivers through December 31, 2022, or until 90 days following the end of the declared disaster, whichever is later.

President Oh referenced the meeting materials prepared by staff for a possible motion that could be used to expand delegated authority to the President to issue or approval waivers in response to MPOX. Dr. Oh highlighted the possible motion does not include a clause at the end to link the delegation to the end of the declared disaster.

Members were provided with an opportunity to provide comments. Member Serpa commented as this appeared to be a long-term issue it would be prudent for the Board to have similar types of delegation to the president as the COVID delegation.

Motion: Authorize the president to approve waivers related to the MPOX public health emergency for up to 90 days following the end of the disaster.

M/S: Serpa/Patel

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

Support: 9 Oppose: 0 Abstain: 0 Not Present: 2

Board Member	Vote
Barker	Support
Cameron-Banks	Not Present
Crowley	Support
De La Paz	Support
Koenig	Not Present
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Weisz	Support

VII. Closed Session

President Oh adjourned at approximately 4:26 p.m.