



**LEGISLATION AND REGULATION COMMITTEE
 MEETING MINUTES**

DATE: April 11, 2024

Location: OBSERVATION AND PUBLIC COMMENT IN
 PERSON:
 California State Board of Pharmacy
 2720 Gateway Oaks Drive, First Floor Hearing Room
 Sacramento, CA 95833

Board of Pharmacy staff members were present at the observation and public comment location.

PUBLIC PARTICIPATION AND COMMENT FROM REMOTE LOCATIONS VIA WEBEX

COMMITTEE MEMBERS PRESENT: Jessi Crowley, PharmD, Licensee Member, Chair
 Jose De La Paz, Public Member, Vice Chair
 Trevor Chandler, Public Member
 Kartikeya "KK" Jha, Licensee Member
 Maria Serpa, PharmD, Licensee Member
 Nicole Thibeau, PharmD, Licensee Member

STAFF MEMBERS PRESENT: Anne Sodergren, Executive Officer
 Julie Ansel, Assistant Executive Officer
 Shelley Ganaway, DCA Staff Counsel
 Jennifer Robbins, DCA Staff Counsel
 Debbie Damoth, Executive Specialist Manager

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

Chairperson Crowley called the meeting to order at 2:00 p.m. Chairperson Crowley reminded all present that the Board is a consumer protection agency charged with administering and enforcing Pharmacy Law. The meeting moderator provided instructions on how to participate during the meeting, including the process to provide public comment.

Chairperson Crowley took roll call. The following members were present: Trevor Chandler, Public Member; Jose De La Paz, Public Member; KK Jha, Licensee Member; Maria Serpa, Licensee Member; Nicole Thibeau, Licensee Member; and Jessi Crowley; Licensee Member. A quorum was established.

Dr. Crowley reminded Committee members to remain visible with cameras on throughout the open session of the meeting. Dr. Crowley advised if members needed to temporarily turn off their camera due to challenges with internet connectivity, they must announce the reason for their non-appearance when the camera was turned off.

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

Members of the public in Sacramento and via WebEx were provided the opportunity to provide comments on items not on the agenda; however, no comments were made.

III. Approval of the July 19, 2023, Committee Meeting Minutes

Members were provided the opportunity to provide comments on the draft minutes; however, no comments were provided.

Motion: Approve the July 19, 2023, Legislation and Regulation Committee meeting minutes as presented.

M/S: De La Paz/Chandler

Members of the public located in Sacramento or participating via WebEx were provided the opportunity to provide comments; however, no comments were provided.

Support: 6

Oppose: 0

Abstain: 0

Not Present: 0

Board Member	Vote
Chandler	Support
Crowley	Support
De La Paz	Support
Jha	Support
Serpa	Support
Thibeau	Support

IV. Discussion and Consideration of Pending Legislation Impacting the Practice of Pharmacy, the Board's Jurisdiction, or Board Operations

Chairperson Crowley advised there were a number of measures included on the agenda today for discussion. The last day for policy committees to consider a bill with fiscals is April 26, 2024, and the last day for policy committees to hear bills without a fiscal is May 3, 2024. Dr. Crowley highlighted this because some measures under consideration may not need to discuss during the Board meeting later this month if the measure includes a fiscal but was not scheduled for a hearing. Dr. Crowley added unless the Board already had a position established, she would be requesting a motion to establish a position if members believe such action was appropriate. Where the Board has established a position, it was done through the delegated authority of the President, those measures would be highlighted.

Members were provided the opportunity to comment; however, no comments were made.

a. Assembly Bill 82 (Weber) Dietary Supplements for Weight Loss and Over-the-Counter Diet Pills

Dr. Crowley advised the first measure for consideration was AB 82. The measure would prohibit a retail establishment from selling dietary supplements for weight loss or over-the-counter diet pills to any person under 18 years of age without a prescription. The measure would also require the California Department of Public Health (CDPH) to develop a notice for distribution and posting describing some of the possible side effects of taking such products and would require CDPH to consult with the FDA and other stakeholders to determine which dietary supplements for weight loss and OTC diet pills will be subject to the section and established an effective date of July 1, 2024. Dr. Crowley noted a potential increase in establishments seeking licensure as a pharmacy. Staff were not recommending a position on the measure. Dr. Crowley believed this may be an appropriate measure to monitor but didn't believe a position is necessary.

Members were provided the opportunity to provide comments on the measure. Member Thibeau agreed with no position.

Members of the public located in Sacramento or participating via WebEx were provided the opportunity to provide comments; however, no comments were provided.

b. Assembly Bill 1842 (Reyes) Health Care Coverage: Medication-Assisted Treatment

Chairperson Crowley advised the measure would prohibit a health care service plan or health insurer from requiring prior authorization or step therapy for a naloxone or other opioid antagonist approved by the FDA or a buprenorphine or long-acting injectable naltrexone for detoxification or maintenance treatment of a substance use disorder. Dr. Crowley noted staff were recommending a support position on this measure and noted the Board had a long history of supporting measures that facilitate better access to naloxone and other medication assisted treatments. Dr. Crowley agreed with the staff recommendation.

Members were provided the opportunity to provide comments on the measure. Member Chandler agreed with the strong position regarding opioid epidemic.

Motion: Support

M/S: Chandler/Jha

Members of the public located in Sacramento or participating via WebEx were provided the opportunity to provide comments; however, no comments were provided.

Support: 6

Oppose: 0

Abstain: 0

Not Present: 0

Board Member	Vote
Chandler	Support
Crowley	Support
De La Paz	Support
Jha	Support
Serpa	Support
Thibeau	Support

c. Assembly Bill 1902 (Alanis) Prescription Drug Labels: Accessibility

Chairperson Crowley advised AB 1902 would require pharmacies to provide translated directions for use on prescription labels under specified conditions and further would require a pharmacy to provide a person, at no additional cost, an accessible prescription label that among other conditions, is appropriate to the disability and language of the person making the request through the use of audible, large print, Braille, or translated labels. As amended

this measure would not apply if the dispenser is a veterinarian. Dr. Crowley noted staff were not offering a recommendation on this measure. Dr. Crowley agreed with the staff comment that the policy goals of the measure were laudable and shared concerns about the practical implications of implementing and recommend that the Board monitor this legislation. Dr. Crowley believed this may be an appropriate measure to monitor but didn't believe a position was necessary.

Members were provided the opportunity to provide comments on the measure.

Members discussed the concept was good in general but were unsure if the Braille was available and what was the cost. Members also discussed who the liability would be for incorrect translations. Members were not sure what "in a language made available to the Board" meant. One member was aware of Braille being available but was very costly. Members were concerned about unintended consequences. The Committee asked if staff could engage with the author's office about the policy goals and implement policy goals a different way. Members agreed with not having a position and engaging with the author's office.

Members of the public located in Sacramento or participating via WebEx were provided the opportunity to provide comments; however, no comments were provided.

Members of the public located in Sacramento or participating via WebEx were provided the opportunity to provide comments.

A pharmacist provided personal historical account of providing Braille and accommodations.

d. Assembly Bill 2115 (Haney) Controlled Substances

Chairperson Crowley advised as amended the measure would authorize a nonprofit or fee clinic to dispense a schedule II controlled substance for the purpose of relieving acute withdrawal symptoms while arrangements were being made for referral for treatment. The measure would also make changes to narcotic treatment programs. The measure was recently scheduled for hearing during the Assembly Business and Professions Committee hearing on April 16, 2024.

Dr. Crowley reported through his delegated authority, President Oh recently established a support position and offered technical amendments. Dr. Crowley understood the author's office accepted the Board's technical amendments.

Dr. Crowley agreed a support position for this measure was appropriate. Dr. Crowley ensured members received the comment received in advance of the meeting. While Dr. Crowley appreciated the comment, she believed the intent of the legislation was to allow for dispensing at a clinic. Dr. Crowley believed the technical amendment offered by the Board addressed the issue raised by the commenter.

Members were provided the opportunity to comment. Members spoke in support of this measure.

Members of the public located in Sacramento were provided the opportunity to provide comments; however, no comments were provided.

Members of the public participating via WebEx were provided the opportunity to provide comments.

The Committee heard comments from two pharmacists concerned with the language and wording of the bill needed to be cleaned up to state a prescriber dispense and address conflicting information.

Members were provided the opportunity to comment after having heard the public comment.

Dr. Crowley understood the comments and hoped staff could work with the author's office to clarifying the language and thought the established support position was important.

e. Assembly Bill 2169 (Bauer-Kahan) Prescription Drug Coverage: Dose Adjustments

Chairperson Crowley advised AB 2169 would require a health care professional to request authority to adjust the dose or frequency of a drug to meet specific medical needs of the enrollee without prior authorization under specified conditions, including that the dose has not been adjusted more than two times without prior authorization. Dr. Crowley agreed with the staff recommendation to establish a support position.

Members were provided the opportunity to provide comments on the measure.

Member Jha requested clarification who was included as health care professional. Ms. Sodergren clarified the language stated a "licensed health care professional."

Motion: Support

M/S: Thibeau/De La Paz

Members of the public located in Sacramento were provided the opportunity to provide comments; however, no comments were provided.

Members of the public participating via WebEx were provided the opportunity to provide comments.

A representative of CSHP spoke in support of the measure.

A pharmacist asked for clarification in what a health care professional was considered including someone with prescribing authority.

Support: 6

Oppose: 0

Abstain: 0

Not Present: 0

Board Member	Vote
Chandler	Support
Crowley	Support
De La Paz	Support
Jha	Support
Serpa	Support
Thibeau	Support

f. Assembly Bill 2269 (Flora) Board Membership Qualifications: Public Member

Chairperson Crowley provided the measure would reduce the prohibition of a public member of any board from having a specified relationship (employer, contractual relationship, etc.) with a licensee of that Board to within three years (currently five years) of the public member's appointment. Dr. Crowley agreed with the staff to not establishing a position and staff could monitor the measure.

Members were provided the opportunity to provide comments on the measure.

Member Chandler stated as a public member he would be abstaining from discussion.

Members of the public located in Sacramento or participating via WebEx were provided the opportunity to provide comments; however, no comments were

provided.

g. Assembly Bill 2271 (Ortega) Coverage for Naloxone Hydrochloride

Chairperson Crowley advised AB 2271 would designate prescription and over-the-counter (OTC) opioid reversal products as a covered benefit under Medi-Cal and health plans. The measure would prohibit plans from imposing any cost-sharing that exceeds \$10/package and would prohibit high deductible health plans from imposing cost sharing. The measure would make the provisions effective based on funding from the Naloxone Distribution Project. The measure includes a sunset provision, with the provision becoming inoperative when the state records 500 or fewer opioid deaths in a calendar year. Dr. Crowley noted the measure was referred to Assembly Health Committee but did not have a hearing date yet. Dr. Crowley agreed with the staff recommendation to establish a support position.

Members were provided the opportunity to provide comments on the measure. Member Chandler spoke in support. Member Thibeau noted a process would be needed. Dr. Crowley commented great strides were made in California making naloxone and opioid reversal products more accessible. She noted adding OTC options were great but expensive and making access as easy as possible was necessary for people to utilize the medication.

Motion: Support

M/S: Chandler/Thibeau

Members of the public located in Sacramento were provided the opportunity to provide comments; however, no comments were provided.

Members of the public participating via WebEx were provided the opportunity to provide comments.

A representative of CSHP spoke in support of the measure and added the measure included OTC.

Support: 6

Oppose: 0

Abstain: 0

Not Present: 0

Board Member	Vote
Chandler	Support
Crowley	Support
De La Paz	Support
Jha	Support
Serpa	Support
Thibeau	Support

h. Assembly Bill 2445 (Wallis) Prescriptions: Personal use Pharmaceutical Disposal System

Chairperson Crowley advised AB 2445 would prohibit a dispenser from dispensing an opioid unless it also provides a personal use pharmaceutical disposal system to the patient. The measure provides that the provision only become operational upon the Legislature enacting a framework for the governing of personal pharmaceutical disposal systems. Dr. Crowley noted the measure was referred to the Assembly Appropriations Committee and didn't believe establishment of a position was appropriate given the unknowns with the framework for governing personal pharmaceutical disposal systems.

Members were provided the opportunity to provide comments on the measure.

Member Thibeau understood the concept but wondered about the cost and if it would be used if forced rather than an offer made to the patient. Dr. Crowley agreed and wondered if acquiring these items would make it more difficult for people to access their opioids and didn't want barriers created.

Members of the public located in Sacramento were provided the opportunity to provide comments; however, no comments were provided.

Members of the public participating via WebEx were provided the opportunity to provide comments.

A representative of CCAP commented in agreement with needing more information on how it would impact patient use.

i. Assembly Bill 3026 (Dixon) Pharmacy

Chairperson Crowley advised as introduced AB 3026 would have sought to amend the Board's authority to issue a waiver of provisions of pharmacy law during a declared disaster to 60-day increments following the termination of a declared disaster. Since the release of the meeting materials staff were advised

that the measure was not moving and the Committee didn't consider the measure.

j. Assembly Bill 3063 (McKinnor) Pharmacies: Compounding

Chairperson Crowley advised AB 3063 was similar to AB 782 from last year. Dr. Crowley provided the Board initially established an Oppose unless Amended position in the hopes the Board could work with the author's office to discuss implementation challenges that some pharmacies may have indicated they would experience as a means to facilitate the policy goal of the measure without create on conflict with state and federal law and national standards. Regrettably that did not occur. The primary difference between the two measures is the AB 3063 includes a sunset date, meaning that conflict would only exist until January 1, 2030. Inclusion of the sunset date did not address the Board's concerns. Dr. Crowley noted that President Oh established an Oppose Unless Amended position, which she believed was consistent with the actions of the Board from last year and was appropriate.

Members were provided the opportunity to provide comments on the measure.

Dr. Serpa commented in support of the position due to the conflict with federal standards.

Members of the public located in Sacramento and via WebEx were provided the opportunity to provide comments; however, no comments were provided.

k. Assembly Bill 3137 (Flora) Department of Consumer Affairs

Chairperson Crowley provided AB 3137 was a spot bill and was not necessary to discuss as there was no information available.

l. Assembly Bill 3146 (Essayli) Healing Arts: Sex-Reassignment

Chairperson Crowley advised AB 3146 in its current form would establish legislative intent language indicating that it was the intent of the Legislature to enact legislation prohibiting a health care provider from providing sex-reassignment prescriptions or procedures to a patient under 18 years of age. The meeting materials noted that the author's office indicated that amendments would be forthcoming; however, as of April 9, 2024, the amendments were not yet in print. Dr. Crowley recommended deferring consideration of this measure until amendments were in print.

Member Thibeau wanted to take a strong position on the measure. Member Chandler agreed. Members Serpa and Jha agreed with the concept but

recommended having more information than a one sentence bill. Dr. Crowley agreed with Members Thibeau and Chandler. Member Jha asked if there were any updates. Ms. Sodergren indicated as of April 11, 2024, no updates were made but the framework would be the same as the Protect the Kids ballot initiative. Member Thibeau thought based on the framework cited the measure should be opposed.

Motion: Oppose

M/S: Thibeau/Chandler

Members of the public located in Sacramento and were provided the opportunity to provide comments; however, no comments were provided.

Members of the public participating via WebEx were provided the opportunity to provide comments. Member Serpa agree with Members Thibeau and Chandler's comments but would vote oppose due to the lack of information provided in the bill and deciding based on what the bill was thought to be rather than what the bill was. Member Jha indicated he would be abstaining for the same reason.

Support: 4 Oppose: 1 Abstain: 1 Not Present: 0

Board Member	Vote
Chandler	Support
Crowley	Support
De La Paz	Support
Jha	Abstain
Serpa	Oppose
Thibeau	Support

m. Senate Bill 966 (Wiener) Pharmacy Benefits

Chairperson Crowley advised SB 966 would establish the regulation of Pharmacy Benefits Managers (PBMs) within the Board of Pharmacy. Dr. Crowley noted the meeting materials detailed the specific provisions and highlighted through his delegated authority, President Oh established a support position on the measure which was consistent with the Board's prior policy on the regulation of PBMs by the Board. Dr. Crowley noted the meeting materials highlighted one of the big challenges facing patients and timely access to medications. Dr. Crowley believed PBMs should be subject to regulation in the same manner as

pharmacies including the provisions of BPC section 733 and agreed with the position established by President Oh.

Members were provided the opportunity to provide comments on the measure.

Dr. Serpa asked about who would be the associated person association with the company.

Dr. Crowley noted several states already require registration or licensure through the Board of Pharmacy.

Members of the public located in Sacramento were provided the opportunity to provide comments; however, no comments were provided.

Members of the public participating via WebEx were provided the opportunity to provide comments.

A pharmacist commented in agreement with Dr. Serpa to have a designated person associated and spoke in support but noted the bill would prohibit any PBM or payers from requiring a pharmacist having a specialty certification.

A representative of CPhA commented as a co-sponsor of the bill and appreciated the Board's support.

n. Senate Bill 1067 (Smallwood-Cuevas) Healing Arts: Expedited Licensure Process: Medically Underserved Area or Population

Dr. Crowley advised SB 1067 would require the Board to develop a process to expedite the licensure process for an applicant that demonstrates that they intend to practice in a medically underserved area or serve a medically underserved population. Dr. Crowley appreciated the policy goal of the measure but given how broad it was written, it could apply to quite broadly to include pharmacies. Dr. Crowley was also concerned about the potential impact to individuals seeking licensure as pharmacists, pharmacy technicians *etc.* and the potential impact on application processing times if the Board is required to expedite the applications for those serving in a medically underserved area. The Board already expedites applications for members of the military spouses and others. Dr. Crowley was concerned continuing to prioritize applications for specific populations of applicants would create a barrier to licensure for others. Dr. Crowley did not suggest that the Board oppose the measure but thought the Board should explore securing additional resources that would be necessary to avoid any potential negative impact.

Members were provided the opportunity to provide comments on the measure.

Member Chandler asked if the “medically underserved area or population” was defined. Ms. Sodergren provided the bill did not provide a definition but noted there were state and federal definitions. Mr. Chandler agreed with the goals and the recommended position.

Members of the public located in Sacramento were provided the opportunity to provide comments; however, no comments were provided.

Members of the public participating via WebEx were provided the opportunity to provide comments.

A pharmacist stated there were state and federal definitions for underserved areas and underserved population. The pharmacist thought a support position was consistent with the Board's policy and to work with the author to discuss specifics.

o. Senate Bill 1365 (Glazer) Pharmacy Technicians

Chairperson Crowley advised SB 1365 would update the pharmacist to pharmacy technician ratio to 1:6, from the current 1:1 or 1:2 in place. Dr. Crowley noted meeting materials recommend an oppose position. Dr. Crowley noted during the April 10, 2024, Licensing Committee, the Licensing Committee received the results from the Board's recent survey on the current ratio. Dr. Crowley thought the ratio in the community pharmacy setting could be updated to a 1:2, the Licensing Committee requested staff further extrapolate the data to see what the recommended ratio was for non-manager or administrative pharmacists.

Members were provided the opportunity to provide comments on the measure.

Member Chandler agreed the Licensing Committee wanted to hear from non-management or non-PIC pharmacists on their thoughts. Mr. Chandler would not support a 1:6.

Member Thibeau agreed with Mr. Chandler but wondered if oppose unless amended position would be appropriate and if there was room to be worked with the author for different ratios for different settings.

Mr. Chandler was more comfortable with an oppose position. Mr. De La Paz agreed. Dr. Thibeau asked if anything changed, would the Board be able to change its position. Ms. Sodergren provided the position could be changed in July or delegated to President Oh in between meetings.

Member Serpa wondered who was the sponsor of the measure. Ms. Sodergren provided it was an author-sponsored measure based on the national landscape. Ms. Sodergren indicated she would be happy to engage with the author's office. Dr. Serpa thought oppose unless amended position would be better versus oppose since the concept of changing ratios was acceptable but the number suggested was too high.

Member Thibeau noted it was an opportunity to engage and leaned toward oppose unless amended. Mr. Chandler wanted to continue with the oppose vote and have staff engage in the conversation with the author's office.

Motion: Oppose

M/S: Chandler/De La Paz

Members of the public located in Sacramento were provided the opportunity to provide comments; however, no comments were provided.

Members of the public participating via WebEx were provided the opportunity to provide comments.

A pharmacist commended the Board and Ms. Sodergren for the ratio survey that yielded various possible ratios and included the at the discretion of the pharmacist-in-charge (PIC). The ratio of 1:6 was from Montana where everyone in the pharmacy except the pharmacist was a pharmacy technician. The pharmacist thought it would be a great opportunity to work with the author to get it amended based on the survey and it could help implement a change.

A representative of CCAP stated the fact sheet noted NABP recommended increased ratio or remove the ratio all together. In long-term care, 1:6 ratio was critical and encouraged a support position.

A pharmacist wanted to ensure that the Board could still engage with the author's office with an oppose unless amended position which it appeared the Board could. The commenter encouraged the Board to explore what pharmacy settings the language applies as it currently reads it only applies to non-

institutional community settings. The commenter noted in the Board's survey there a portion that included non-management/administrative pharmacists and agreed the current ratio was not appropriate. The commenter agreed with the consensus of the survey participants that the current ratio was not working noting that a 6:1 was too large while participants preferred a 1:2 or 1:3 ratio. In states where there was a 6:1 ratio which usually included clerks.

An infusion pharmacy PIC asked to include or remove the ratio for home infusion pharmacy which were closed door setting pharmacies.

Ms. Sodergren announced Member Serpa lost connection and was working to establish connection.

A representative from UFCW WSC commented receiving over 90 letters from members opposed to the 1:6 ratio. The representative added if there was to be a change in ratio, it should be pharmacist led with pharmacists' input on items that should be included such as liability or PIC authority. UFCW WSC agreed with the oppose position to signal a 1:6 ratio change was a significant increase. If an oppose unless amended position was taken, the Committee and Board would need to provide recommendations and noted the Committee and Board had not yet deliberated on recommendations. The representative asked the Committee to be mindful of unintended consequences and encouraged taking an oppose position with continued discussions with the author's office. The representative spoke in appreciation of the survey.

The Committee took a break from 3:49 p.m. to 4:05 p.m. Roll call was taken. The following members were present via WebEx: Trevor Chandler, Public Member; Jose De La Paz, Public Member; KK Jha, Licensee Member; Maria Serpa, Licensee Member; Nicole Thibeau, Licensee Member; and Jessi Crowley; Licensee Member. A quorum was established.

A representative of CCPC commented in support of the bill and believed it would improve pharmacy workflow and enhance access to medications for patients. The commenter noted the ratio was not a mandate and it was not a requirement that a pharmacy had to have six technicians, but it was an allowance to have them. The representative thanked the Board for the survey noting the interest in changing the ratio and that the ratio was the strictest in the nation.

A pharmacist commented the ratios were set in the 1990s to allow pharmacists more time for consultation and noted the statute allowed the Board of Pharmacy to set ratios in institutional settings. The commenter encouraged the Board to engage with the author's office as soon as possible. The commenter noted there was consensus in the survey results and at the Licensing Committee meeting discussion that the ratio needed to be changed adding engaging with the author would allow this to happen in advance of the sunset report. The commenter added there were over 40 states without a ratio as Montana just removed their ratio.

Members were provided the opportunity to comment after having heard public comment.

Mr. Chandler confirmed that there was consensus of many that ratio should be updated. He added if the Committee recommends oppose unless amended, the Board would need to provide suggestions. Mr. Chandler noted the Committee and Board were not in a position to make a recommendation with not having seen the non-management pharmacists' survey results. He noted it was important to stay where the Committee was at which was an oppose position with the staff and president engaging with the author's office.

Dr. Serpa advised she was able to hear most all of the comments while she experienced technical difficulty. Dr. Serpa reported starting to lean more toward supporting the motion with the discussion of the author's office. She noted a comment from the public about different pharmacy practices, different needs and different ratios for different practice settings would be good to provide to education to the author's office.

Dr. Crowley agreed with highlighting the different practice settings as that was such an important part of the discussion. Dr. Crowley thought it was also appropriate for staff to look at the survey data by practice setting as well. She thought the issues of accountability, liability and supervision of interns and unlimited clerks should be addressed as well as open comments at the end of the survey. Dr. Crowley agreed with an oppose position.

Dr. Thibeau's hesitation with straight oppose as author might take it as an unwillingness to work with the Board. She noted the Board wasn't opposed to

the concept but to the specifics.

Dr. Crowley asked staff to reach out to the author's office to discuss the Board's concerns.

Support: 5

Oppose: 1

Abstain: 0

Not Present: 0

Board Member	Vote
Chandler	Support
Crowley	Support
De La Paz	Support
Jha	Support
Serpa	Support
Thibeau	Oppose

p. Senate Bill 1468 (Ochoa Bogh and Roth) Department of Consumer Affairs

Chairperson Crowley noted SB 1468 would allow a practitioner who was not specifically registered to conduct a narcotic treatment program to dispense not more than a 3-day supply of narcotic drugs under specified conditions. Dr. Crowley agreed with the staff's recommendation to establish a support position on the measure.

Members were provided the opportunity to provide comments.

Dr. Serpa spoke in support noting education was always good. She added it was a common area in acute care and subacute care in institutional pharmacy where patients were transferred between levels of service and patients get caught in the middle of the "methadone rule" of the past that it has to be through an authorized treatment program and not through a single prescription. Dr. Serpa noted education and reminders would be helpful.

Motion: Support

M/S: Chandler/Serpa

Members of the public located in Sacramento were provided the opportunity to provide comments; however, no comments were provided.

Members of the public participating via WebEx were provided the opportunity to provide comments.

A pharmacist commented in support measure's concept but noted the measure didn't implement anything. The commenter encouraged a support position but also reaching out to the author.

Members were provided the opportunity to provide comments; however, no comments were provided.

Support: 6

Oppose: 0

Abstain: 0

Not Present: 0

Board Member	Vote
Chandler	Support
Crowley	Support
De La Paz	Support
Jha	Support
Serpa	Support
Thibeau	Support

VIII. Discussion and Consideration of Proposed Regulation Related to the Use of Digital Signatures

Chairperson Crowley referred to the meeting materials detailing the relevant laws and background information indicating in April 2023, the Board approved a policy statement related to the acceptance of digital signatures. To fully implement the policy statement, regulations were necessary. Meeting materials included proposed regulation language for consideration. Dr. Crowley reviewed the language and believed it was appropriate.

Members were provided the opportunity to comment; however, no comments were made.

Motion: Recommend initiation of a rulemaking to adopt California Code of Regulations, Title 16, section 1700 as proposed. Authorize the executive officer to further refine the language consistent with the committee's discussion and to make any nonsubstantive changes prior to presenting the proposed rulemaking to the Board.

**Department of Consumer Affairs
Title 16. Pharmacy**

**PROPOSED REGULATORY LANGUAGE
Digital Signatures**

Legend: Added text is indicated with an <u>underline</u> .

Adopt section 1700 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

§ 1700. Digital Signatures.

Consistent with the authority established in Government Code section 16.5, in any written communication, application, or other document in which a signature is required or used, the Board shall accept digital signatures that meet the requirements set forth in the California Code of Regulations, Title 2, section 22003(a).

Note: Authority cited: Section 16.5, Government Code. Reference cited: Section 16.5, Government Code.

M/S: Chandler/De La Paz

Members of the public located in Sacramento were provided the opportunity to provide comments; however, no comments were provided.

Members of the public participating via WebEx were provided the opportunity to provide comments.

A pharmacist advised the members to read the language they were voting. Ms. Sodergren asked DCA counsel Robbins to confirm the proposed language included the attributes consistent with the Board's previously approved policy statement. Ms. Robbins agreed California Code of Regulations (CCR), Title 2, section 22003(a) spoke to the accepted technologies that align with the Board's previously approved policy.

Members were provided the opportunity to provide comments; however, no comments were provided.

Support: 6

Oppose: 0

Abstain: 0

Not Present: 0

Board Member	Vote
Chandler	Support
Crowley	Support
De La Paz	Support
Jha	Support
Serpa	Support
Thibeau	Support

VI. Discussion and Consideration of Draft Frequently Asked Questions Related to Cultural Competency Continuing Education

Chairperson Crowley referenced meeting materials explaining staff have experienced an increase in the number of calls from pharmacy technicians who are for the first time, responsible for earning continuing education as part of the renewal process. To assist licensees in understanding the requirements, staff developed FAQs that, if approved, can be made available on the Board's website to serve as a resource for licensees. Dr. Crowley reviewed the FAQs and believed they were appropriate.

Members were provided the opportunity to comment.

Member Jha asked if the Board would provide the continuing education. Dr. Crowley indicated that was something the Board could do if decided to do.

Motion: Recommend approval of the Draft FAQs related to continuing education for pharmacy technicians

M/S: Serpa/De La Paz

Members of the public located in Sacramento were provided the opportunity to provide comments; however, no comments were provided.

Members of the public participating via WebEx were provided the opportunity to provide comments.

A pharmacist reiterated terms of the statute.

Support: 6

Oppose: 0

Abstain: 0

Not Present: 0

Board Member	Vote
Chandler	Support
Crowley	Support
De La Paz	Support
Jha	Support
Serpa	Support
Thibeau	Support

VII. Discussion and Consideration of Board Regulations

Chairperson Crowley advised all items included in the regulations portion of the report were for information only. The Board had several regulations in various stages of promulgation. The Board's Notice to Consumer regulation was recently approved by the OAL. Dr. Crowley reported staff was working on drafting final rulemaking documents to regulations that have been adopted by the Board. Dr. Crowley reported there were several regulations in the pre-review stage including the Board's fee regulation. Dr. Crowley noted the Board's fee regulation would be brought to the Board for consideration and action based on a recent recommendation from DCA.

Members were provided the opportunity to comment; however, no comments were made.

- a. Board-Adopted Regulations Approved by the Office of Administrative Law
 - 1. Proposed Regulation to Amend Title 16 CCR section 1706.6
Related to the Military Spouse Temporary License
 - 2. Proposed Regulation to Amend Title 16 CCR section 1707.6
Related to the Notice to Consumer
- b. Board-Adopted Regulations Staff Drafting Final Rulemaking Documents
 - 1. Proposed Regulation to Amend Title 16 CCR section 1732.5 and
Add section 1732.8 Related to Continuing Education
 - 2. Proposed Regulation to Amend Title 16 CCR section 1746.3
Related to Opioid Antagonist
- c. Board-Approved Regulations Undergoing Pre-Notice Review by the
Department of Consumer Affairs, or Business, Consumer Services and
Housing Agency
 - 1. Proposed Regulation to Add Title 16 CCR sections 1750 and
1750.1 Related to Outsourcing Facilities
 - 2. Proposed Regulation to Add Title 16 CCR section 1746.6 Related
to Medication Assisted Treatment Protocol
 - 3. Proposed Regulation to Amend Title 16 CCR sections 1735 and
1751 Related to Compounding
 - 4. Proposed Regulation to Amend Title 16 CCR section 1708.2
Related to Discontinuance of Business

Members of the public located in Sacramento were provided the opportunity to provide comments; however, no comments were provided.

Members of the public participating via WebEx were provided the opportunity to provide comments; however, no comments were provided.

Members were provided the opportunity to provide comments; however, no comments were provided.

VIII. Future Committee Meeting Dates

Chairperson Crowley advised the next Committee meeting date was scheduled for July 17, 2024, and encouraged participants to watch the Board's website for updates.

IX. Adjournment

Chairperson Crowley adjourned the meeting at 4:38 p.m.