

# Memorandum

**To: Board Members**

**Date: April 16, 2005**

**From: Organizational Development Committee**

**Subject: Committee Actions and Update of the Meeting of April 12, 2005**

The Organizational Development Committee met on April 12, 2005, in a non-public, teleconferenced meeting. Minutes of this meeting are provided in this tab section as Attachment A (following the numbered attachments referenced below).

## **For Action:**

### **Item 1: Request from California Pharmacy Students Regarding the Availability of Intern Addresses of Record Online**

At the board's October Meeting, the board heard from a group of California pharmacy students who were concerned about their addresses of record being available online. In the case of the students, this address of record is most often their residence address, and the students expressed great concern about their safety from this information being available online.

The students requested the board to examine its policies in this area, and submitted a petition requesting restricted access to residence addresses of these students (Attachment 1). The students specifically requested that the board allow an address for interns that is "the address of either the attended school or place of practice."

At the January 2005 Board Meeting, the students again attended to participate in the discussion about alternatives to having their addresses online. During this discussion, the students specifically requested that their addresses of record be removed from the board's Web site.

During the board's discussion at the January meeting, the board requested a legal opinion about whether the board could exempt interns' addresses of record from the Web site.

Board Counsel Dana Winterrowd prepared this legal opinion, which is provided for the board's review in Attachment 1. The opinion concludes that:

1. Licensees' addresses of record are public records that can be disclosed by the board.
2. The board may post addresses online on its Web site.
3. The board cannot withhold posting one group of licensees' addresses online unless it promulgates a regulation to treat that group differently.

The committee discussed the opinion, but declined to recommend that the board promulgate a regulation to exempt intern addresses from posting on the Web site.

Instead, the committee considered several options offered to the students previously (using a PO box, using a group PO box, using the school's address). The committee asked staff to augment the information already provided to intern applicants notifying them that their address of record is public (also in Attachment 1), and to provide several options they can select as alternatives to listing their home address. These alternatives would be to use a PO address, use a work address, join with other students to obtain a group PO address, use the address of the student association at the intern's schools of pharmacy,

This information will be provided to schools and placed on the board's Web site as well.

The committee also recommends that the student associations aid the board in publicizing these options to interns for use as the address of record.

## **Item 2: Form a Task Force to Develop Educational Materials on Part D of the Prescription Drug Benefit of Medicare and Medicaid**

At the April Organizational Development Committee Meeting, President Goldenberg suggested the formation of a board task force to develop informational materials about Part D of the new Medicare and Medicaid regulations. The new prescription drug benefits that will take effect January 1, 2006 are a significant change in prescription benefits and the board needs to develop materials for the public and licensees in this area.

President Goldenberg suggested that this task force be a subcommittee of Communication and Public Education Committee, and that a number of knowledgeable parties be invited to share information in this setting.

### **Item 3: Review and Approve the Board's 2005-06 Strategic Plan**

At this meeting, the board needs to review, revise and approve its strategic plan for 2005-06. Typically during the April Board Meeting, the board updates its strategic plan for the next fiscal year that will start on July 1.

The committee believes the current strategic plan is strong and effective for managing and overseeing board activities, and the plan does not require a major overhaul at this time.

However, the committee suggested modifications to the front portion of the plan to update it since its creation in 2002 and 2003. These modifications are indicated in the strategic plan provided in Attachment 2, and are shown as additions (in underscore) or deletions (~~in strikeout~~). However, the objectives of each committee have not been modified (no change has been proposed past page 11).

Next year, the board will conduct a major restructuring of its strategic plan.

### **Item 4: Approve the Update of the *Board Member Procedure Manual***

The committee has developed proposed revisions to the *Board Member Procedure Manual*. This manual was developed about eight years ago to assist board members as a reference for their roles as Board of Pharmacy members.

The procedure manual is provided in Attachment 3.

## **Information Only**

### **Item 5: Recognition of Pharmacists who have been licensed as pharmacists for 50 years.**

At the board's July 2004 meeting, President Goldenberg stated that one of the priorities for his term is to improve the communication of the board with its licensees and with the public. One item under discussion is an award of achievement to pharmacists for exemplary service or for long careers without disciplinary action.

At the January meeting, the board discussed parameters for an award for those who have been licensed for 50 years as pharmacists.

The committee has continued to work to implement this program before the July 2005 Board Meeting. A sample of the award document is provided in Attachment 4. The award will be placed in mat board and mailed to the licensee along with a congratulatory letter from the board's president.

Each quarter, board staff will identify those with 50 years of licensure as a pharmacist. These individuals will be mailed the award certificate and a congratulatory letter. Then, the list of those with such achievements will be presented to the board publicly, printed in *The Script*, and posted on the board's Web site. Additionally, each individual will be invited to attend a board meeting when the meeting is held in the pharmacist's regional area.

Approximately 450 pharmacists will be in the first group for recognition.

## **Item 6: Discussion: California Performance Review – A Proposal to Restructure State Government and its Proposal for the Board of Pharmacy**

The Governor's initial proposal to restructure state government was released at the beginning of August 2004. This report was a 2,547-page report, developed by the California Performance Review, a group of 275 individuals charged to develop an overhaul of state government into a more logical and less costly organization. The CPR stated that the full reorganization would achieve \$32 billion in savings over five years. Public hearings were held to collect information from the public.

On January 5, 2005, the Governor provided more detail about his proposals to reorganize government. Most of the proposals initially proposed in the CPR were not addressed. However, a proposal advanced by the Governor would have abolished 279 board member positions for regulatory boards under the Department of Consumer Affairs, and would have dissolved these boards into the organizational structure of the department, under the direct authority of the director.

The board discussed this plan at its January Board Meeting. Following the January Board Meeting, the Little Hoover Commission held public hearings on the Governor's proposal to restructure government by eliminating the boards in the Department of Consumer Affairs and consolidating their functions and staffs into the department. Public hearings were held on January 25 and 27, 2005.

On February 17, 2005, before the commission issued its recommendations, the Governor withdrew this proposal.

Documents the Governor's Reorganization plan are provided in Attachment 5.

## **Item 7: Budget Update and Report:**

### **1. 2004/05 and Future Year Budgets**

The state's fiscal year runs from July 1, 2004 through June 30, 2005.

- **Revenue Projected: \$5,945,702**

The board's revenue for the year is expected to be comprised of \$5,346,813 in licensing fees and \$97,474 in interest. The revenue estimate projected from fees is conservative and traditionally is about 10 percent less than actual revenue will be.

The board has also collected \$369,018 in fines, and \$132,397 in cost recovery as of March 18, 2005.

- **Expenditures Projected: \$7,990,998**

The board's maximum expenditure authority for the year is \$7.99 million. Personnel is the largest expenditure: \$3,994,568 or 50 percent of the board's budget.

In the Governor's 2005-06 budget, the board received additional funding in response to skyrocketing worker's compensation costs, increased hourly rates for legal services at the Attorney General's Office, and higher employee compensation, bringing the total expenditure authority to \$7.99 million.

- **Redirections and Program Efficiencies to Offset Budget and Staffing Shortages**

As discussed at prior meetings, the board's loss of 10 positions over the last three years has created a number of difficulties for the board. One of the greatest hurdles the board faces is responding to telephone inquiries. The board lost both of its receptionist positions. This is a key function since the board receives over 160,000 calls annually. In the last few months, the board has hired another temporary part-time individual, so it now has two part-time, temporary employees who are board receptionists. However, all staff are assigned to take turns at answering the telephones in the absence of one or both of these part-time staff.

The board will seek to make the receptionist positions again permanent through a future budget change proposal. In the interim, the board will redirect funding from other authorized expenditures to assure the ongoing employment of these staff.

## **2. Board Fund Condition**

During this fiscal year, the board is projected to spend nearly \$2 million more than it will collect as revenue. The difference between revenue collected and the amount spent (or expenditures) will come from the board's fund (the board's "savings account").

The board's fund condition displays the amount of savings remaining at the end of each year, after adjustments are made for projected revenue and expenditures. A fund condition prepared several months ago is provided in Attachment 6 (in other words, the figures will not match directly with the more recent figures reported above).

The board's fund condition is adequate for the present time. Additionally, the board will receive \$3,227,000 next fiscal year as partial repayment of the \$6 million transferred to the General Fund several years ago. The \$227,000 is interest.

The board's fund condition projected over the next three years is:

- 2004-05: The board is projected to end this fiscal year with a reserve of 4.1 months of annual expenses.
- 2005-06: The reserve is estimated at 5.3 months (after repayment of the \$3.2 million).
- 2006-07: A reserve of 1.4 months is projected. Repayment of the remaining \$3 million appears to be needed before the end of this fiscal year).

## **3. CURES Support by Board – Additional Board Funding**

At the January 2005 Board Meeting and at the request of the Department of Justice, the board agreed to redirect an additional \$24,000 to fund CURES for 2004-05 for a total funding level of \$92,000.

During the discussion, the board asked for a more permanent resolution to potential future costs increases for this program.

Staff worked with the Department of Consumer Affairs' Budget Office to draft an amendment to Health and Safety Code section 11165 that would link any future increase in funding for CURES to an appropriation increase for the board. The proposed amendment has been referred to the Legislation and Regulation Committee for action.

#### **4. *Relocation of the Department of Consumer Affairs***

The lease for the building housing the main portion of the Department of Consumer Affairs, including the Sacramento office of this board, ended in November 2004.

Lease negotiations conducted by the Department of General Services will result in the relocation of the department to a new location about 8 miles north of our current location (about half-way between our office and the airport), in an area known as North Natomas. The board will actually occupy a portion of the original Arco Arena, where the rent is less than in the current location. The expected move date is now December 2005 or January 2006. The new building's owner has promised to pay for the purchase and installation of new systems furniture as well as utilities and janitorial service.

The board's office space will be reduced to about 80 percent of its current space, and will no longer include a conference room within the board's suite. The board will also have wholly new phone numbers as well.

#### **5. *Equipment Purchases***

The board is currently seeking to replace all office desktop computers. The warranties on the existing computers expired in September, and since then, seven computers have had hard drive failures.

Inspectors will soon be provided with global positioning devices that will aid them in obtaining directions statewide to licensed facilities. The extensive statewide travel inspectors undertake makes it difficult for inspectors to obtain accurate and timely travel directions to all sites they inspect. Several inspectors have personally purchased these devices for their own use on the job, and they highly recommend the use of these devices.

#### **6. *Board Member Reimbursement and Travel***

Attachment 7 displays board expenditures for board member reimbursement and travel for the current fiscal years.

### **ITEM 7: Personnel Update and Report**

A detailed Personnel Update is provided as Attachment 8.

Inspector Soriya Ly resigned in March. The board now has two inspector vacancies.

The board has recruited for the inspector position, but cannot find an applicant

with the qualifications needed by the board. Instead, the board will need to create a new list of eligible pharmacist candidates. The new civil service examination for this classification will be held in mid-May. Once the list is available, the board intends to hire two inspectors.

The board itself has two public board member positions vacant; these positions were created January 1, 2004, and are Governor appointments. In March, the Governor reappointed Board President Stan Goldenberg as a board member. He also appointed Marian Balay as a new public member.

The board has one inspector on parental leave.

# Attachment 1

*Interns' Addresses of Records  
Being Placed Online*

(School Header)

California State Board of Pharmacy  
Attn: Licensing Committee  
400 R Street, Suite 4070  
Sacramento, CA 95814

Committee members:

Concerns have been raised regarding privacy rights of individuals licensed by the State Board of Pharmacy. This subject was addressed by student pharmacists attending APhA-ASP Midyear Regional Meeting for Region Eight. All six schools of pharmacy in California discussed this matter and came to the consensus that it is inappropriate to provide personal information about licensees through the California State Board of Pharmacy website.

This document has been distributed to students attending all six schools of pharmacy in California with the intent to raise awareness of the violation of privacy taking place at this time. It is understood that patients have the right to procure licensee contact information, but students feel that internet access to personal information violates the individual licensees rights to privacy.

The goal of this proposal is to restrict patient access to the licensees' private information on file with the State Board of Pharmacy. Rather, the students would request that contact information provided through the State Board of Pharmacy website reflect the address of either the attended school or place of practice. This does not limit the patient's ability to obtain contact information or identify problems with a specific practitioner.

By signing this document, students are expressing their support of actions aimed at resolving this matter. In the best interest of all California State Board of Pharmacy licensees, we request that consideration be given to this issue.

I, \_\_\_\_\_, have read and understand the intent of this document being presented to the California State Board of Pharmacy and am in support of actions taken to resolve the current privacy issues being addressed in this document.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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## Memorandum

**To:** The California State Board of Pharmacy      **Date:** February 28, 2005

**From:** Department of Consumer Affairs  
Legal Affairs Division

**Subject:** Posting of Licentiates' Addresses of Record on World Wide Web

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### Introduction

This responds requests by the California State Board of Pharmacy ("Board") for legal opinions regarding the Board's practice of posting, on the Board's world wide web site ("Web site"), the "address of record" that licentiates provide to the Board.

### Questions Presented

1. Are addresses of record public records?
2. Can the Board post addresses of record on the Board's Web site?
3. Could the Board treat one group of licentiates differently with respect to posting addresses on the Board's Web site?

### OPINION/ Conclusion

1. Licentiates' address of record are public records that can be disclosed by the Board.
2. The Board may post addresses of record on the Board's Web site.
3. Absent a regulation authorizing the same, the Board's treatment of one group of licentiates differently with respect to posting addresses on the Board's Web site may draw potentially viable claims of lack of due process.

### **Statement of Facts**

Applicants seeking a license from the Board must provide the Board with the applicant's address. (Bus. & Prof. Code, 4100, 4201, 4203, 4204, and 4208.<sup>1</sup>) And, each licentiate of the Board must keep the Board informed of the licentiate's address of record. (4100.) Similarly, each licentiate of the Board must provide the Board with the licentiate's home address. (16 Cal.Code Regs., 1704.) The board uses the address of record as the official channel of communication for transmitting information to licensees. (See, e.g., 4083, subd. (c), 1, 4308, 4311, 4312, and 4315.)

The Board has taken extraordinary measures (by posting information on the Board's Web site, by publishing information in Board publications distributed to licentiates, and by including statements in each application for a license) to inform applicants and licentiates that (1) the Board considers an address of record to be publicly available information, and (2) each applicant or licentiate has an opportunity to maintain the privacy of their home addresses by: (1) providing the Board the home address (which is then maintained by the Board in confidence), and (2) by also providing the Board an additional, different address that will be treated as an "address of record." Many licentiates have taken advantage of this option.

A group of intern pharmacists has petitioned the Board, asking that the Board exclude intern pharmacists' addresses of record from posting on the Board's Web site.

### **Analysis**

#### **Addresses of Record May Be Posted on the Board's Web Site**

In the recent case of *Lorig v. Medical Board of California (Lorig)*<sup>2</sup>, the California Court of Appeal for the First District considered issues nearly identical to the issues raised in the instant matter. In *Lorig*, the Medical Board of California ("MBC") announced that it would begin posting physicians' addresses of record on its Web site, and gave licensees sufficient time to provide an alternative address of record if they did not want their home mailing addresses disclosed in this manner. The MBC informed the doctors that a post office box could serve as an address of record so long as a street address, which would remain confidential, was also provided. Thereafter, the MBC posted all MBC licentiates' addresses of record on the MBC's Web site. Several physicians and others sued the MBC, alleging violations of the California Public Records Act ("CPRA") and the state's Information Practices Act ("IPA"). The Court in *Lorig* ruled that neither the CPRA nor the IPA prohibited disclosure of licentiates' addresses of record. (*Lorig*, 78 Cal.App.4th at p. 467-469, 92 Cal.Rptr.2d 862.) The Court also ruled that

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1. Unless otherwise indicated, all references to code sections are to sections of the Business and Professions Code.

2. (2000) 78 Cal.App.4th 462, 92 Cal.Rptr.2d 862.

there was no legal basis for preventing the MBC from posting MBC licentiates' addresses of record on the MBC's Web site. (*Lorig*, 78 Cal.App.4th at p. 471, 92 Cal.Rptr.2d 862.)

Neither the intern pharmacists nor any other of the Board's licentiates has presented any information that would justify a result in this matter that would be different from the results reached in *Lorig*. Thus, neither the CPRA nor the IPA prohibits disclosure of Board licentiates' addresses of record and there is no legal basis for preventing the Board from posting Board licentiates' addresses of record on the Board's Web site.

**Absent Regulation, Addresses of Record Should Not Be Treated Differently**

The intern pharmacists' request that the Board withhold intern pharmacists' addresses of record from posting on the Board's Web site constitutes a request that Board treat those interns' addresses of record differently from the way the Board treats the addresses of record of other licentiates.

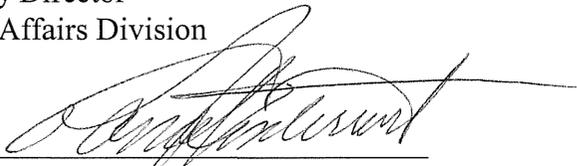
Should the Board be inclined to so act, the Board must first confront the problem of *due process*. In other words, if the Board seeks to issue or utilize a criterion by which the Board determines that some licentiates' addresses of record should be posted on the Board's Web site while other licentiates' addresses of record are not posted on that Web site, the Board may face potentially viable claims that the Board must provide due process in connection with the rendering of those determinations. Due process in this regard is provided by the state's Administrative Procedures Act. (See Govt. Code, § 11340.5, *Pitts v. Perluss* (1962) 58 Cal.2d 824, 27 Cal.Rptr. 19.) In short, the Board should consider pursuing the adoption of administrative regulations that might establish standards and procedures by which distinctions might be drawn and instituted among addresses of record that are subject to, or excluded from, Web posting.

**Conclusion**

Existing precedent from the California Court of Appeal provides ample authority for the Board's continued posting on the Board's Web site of the addresses of record of all of the licentiates of the Board. However, should the Board be inclined to differentiate among licentiates regarding which of their addresses of record should be posted on the Board's Web site, the Board should consider pursuing the adoption of administrative regulations to establish standards and procedures for making those differentiations.

DOREATHEA JOHNSON  
Deputy Director  
Legal Affairs Division

By: \_\_\_\_\_

  
DANA F. WINTERROWD  
Staff Counsel

## Licenses' addresses of record go online September 1, 2003

**IMPORTANT NOTE:** A licensee's address of record is the address to which all licenses, permits, license renewal notifications, newsletters, other publications, and correspondence from the Board is mailed. This information is considered public information. Your address of record is the address printed on your license, unless you have subsequently notified the Board of a change in your address after the license was mailed to you.

All Board licensees' addresses of record will become available to the public on the Board's Web site on September 1, 2003. This is the same information provided online by other health profession (physicians, dentists, therapists) regulatory boards, pursuant to the Information Practices Act (Civil Code section 1798 et seq.) and the Public Records Act (Government Code section 6250 et seq.).

### Changing Your Address of Record

If your address of record with the Board is your residence address, and you don't wish it to be available to the public, you may change it by providing the Board with a post office box number or a personal mail box (PMB). However, if you change your address of record to a box number, you must also provide your residence address, which will not be available to the public.

If you list your business address as your address of record, remember that all mailings from the Board will go to that address. For some, depending on a business address for licensee renewal notifications, licenses, and other mailings from the Board may be problematic, especially for receiving personal mail. For example, if you are employed in a large hospital complex with several pharmacies, opportunities for lost mail could exist. Also, using a business address would require you to change your address of record with the Board every time you change your place of employment.

To change your address of record, please complete and fax the following form to (916) 327-6308 or mail to the Board of Pharmacy, 400 R Street, Suite 4000, Sacramento CA 95814-6237. The Board will acknowledge in writing (or preferably by e-mail) that the address has been changed. The Board will not retain your e-mail address.

#### CHANGE OF ADDRESS (Please print)

Name: \_\_\_\_\_ License # \_\_\_\_\_  
(Please include license type: RPH, TCH, INT, etc.)

Social Security Number: \_\_\_\_\_  
(For purposes of identification only)

Old Address: \_\_\_\_\_  
\_\_\_\_\_

#### Address of Record

New address: \_\_\_\_\_  
\_\_\_\_\_

Note: If the new address of record is a PO box, PMB, or a business address, please enter residence address below. Your address of record will not be changed if no current residence address is entered.

#### Residence Address

Address: \_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail address: \_\_\_\_\_  
(For address change acknowledgment)

# Attachment 2

*Board of Pharmacy's  
Strategic Plan for 2005-06*

# California State Board of Pharmacy

## STRATEGIC PLAN

2003-20065

### Members:

Stanley Goldenberg, Pharmacist Member, President

William Powers, Public Member, Vice President

David Fong, Pharmacist Member, Treasurer

~~James Acevedo~~

Marian Balay, Public Member

Richard Benson, Public Member

Ruth Conroy, Pharmacist Member

Clarence Hiura, Pharmaicst Member

John Jones, Pharmacist Member

Kenneth Schell, Pharmacist Member

John Tilley, Pharmacist Member

Andrea Zinder, Public Member

Patricia Harris, Executive Officer  
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~~July 2004~~  
April 2005

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## PRESIDENT'S MESSAGE

The strategic planning process of the California State Board of Pharmacy is an annual effort of the board members, staff and the public to anticipate and plan for events and issues for the coming year. Although the board considers its current strategic plan when going through the planning exercise, the board also attempts to predict upcoming changes in pharmacy practice, consumer needs and demands and health care trends. After a lengthy discussion of potential and existing issues, the participants go through a process to categorize, consolidate and finally prioritize the issues and then set the goals for the coming year. The resulting strategic plan keeps the board focused on established goals while allowing the flexibility of handling new questions and challenges as they arise.

Each board committee considers its individual strategic plan goals at every meeting and the progress on the goals are reviewed at each of the quarterly full board meetings. The careful planning and continuous monitoring of the strategic plan assures that the board achieves its stated objectives and performs with optimal efficiency.

The pharmacy board publishes advance notice for each strategic planning meeting and encourages participation and contribution by all interested citizens of California who attend. Involvement of the board, its staff and the public results in a strategic plan that truly represents the public interest and serves the consumers of this state.

# **CALIFORNIA STATE BOARD OF PHARMACY**

## **Vision Statement**

Healthy Californians through quality pharmacist's care.

## **Mission Statement**

The Board of Pharmacy protects and promotes the health and safety of Californians by pursuing the highest quality of pharmacist's care through education, communication, licensing, legislation, regulation, and enforcement.

## SHARED VALUES/CORE PRINCIPLES

The Board of Pharmacy will exhibit:

- Vision
- Integrity
- Flexibility
- Commitment
- Loyalty to its mission
- Relevance to important issues
- Compassion, and
- Open-mindedness

These values will be exhibited when considering all matters before the board affecting the consumers of California and the profession of pharmacy.

## About the California State Board of Pharmacy

The California State Board of Pharmacy (board) was established in 1891 to protect consumers by licensing and regulating those responsible for dispensing medications to the public. Today the board oversees all aspects of the practice of pharmacy in California: the practitioner (the pharmacists), the practice site (the pharmacies), and the product (drugs and devices). Additionally the board regulates drug manufacturers and wholesalers and other practitioners and specialized facilities. With an annual budget of ~~over \$7~~ nearly \$8 million and a staff of 50, the board licenses over ~~80,000~~ 90,000 individuals and firms, and enforces 12 complex and varied regulatory programs.

The board has five policy development committees to fulfill its charge. The five committees are: Enforcement, Communication and Public Education, Licensing, Legislation and Regulation, and Organizational Development. Each of these committees corresponds to a board mission-related goal.

The board supports an active Web site, [www.pharmacy.ca.gov/](http://www.pharmacy.ca.gov/), [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov), that provides consumer education material, application material for licensing and information for ensuring compliance with California Pharmacy Law for pharmacists and pharmacies. The Web site also provides times and information on board meetings as well as other critical forums vital to pharmacy services where public comments and input are sought and encouraged.

## SCANNING ASSESSMENT

In assessing the critical data that will influence the board's ability to fulfill its vision and mission, the strategic planning team completed several scanning activities in 2002. The two primary scanning activities that were completed included STEP and SWOT analyses. Board members, all staff and key stakeholders participated in completing a survey questionnaire that was submitted to the strategic planning team for synthesis and analysis. A "STEP" analysis is an acronym for Socio-Cultural, Technologic, Economic, and Political-Legal issues that will impact the board over the next 3-5 years. All responses were aggregated for generalizations. All issues were further reviewed and prioritized at a board meeting held in April 2002. These issues are presented in "**Strategic Issues to be Addressed.**" Several times since 2002, the board has updated the strategic issues to keep them current.

A "SWOT" analysis is an acronym for Strengths, Weaknesses, Opportunities, and Threats. The SWOT data were collected during the survey activity in April 2002 as part of the scanning assessment. Similar to the STEP analysis, the SWOT data were aggregated for generalizations. The final SWOT analysis was completed by the board and is contained in the "**Internal/External Assessment**" section.

The STEP and SWOT analyses were reviewed in April 2003 as part of the annual strategic plan update.

## METHODOLOGY

In developing its strategic plan, the board relied upon the full participation of its entire staff, its board members and its stakeholders. After each group performed the SWOT and STEP analyses described above, the board identified the strategic issues to be addressed during the April 2002 Meeting. Additionally, the board developed a new mission and vision statements, shared values, and refocused the objectives of its committees into an outcome-oriented strategic plan, with refined objectives and tasks.

At the April 2003 Board Meeting, as part of the annual strategic plan update, the board prioritized board objectives for each committee and goal area, and modified the plan's objectives and tasks. These modifications followed comments from board staff and the public obtained during committee meetings in early 2003.

The plan was again reviewed and updated during the April 2004 and April 2005 Board Meetings. Thus at least ~~three~~ four iterations by board staff, board members and stakeholders have gone into producing this strategic plan. The participation of each group has provided important information necessary for a dynamic strategic plan, capable of guiding the board in fulfilling its mission for several years.

# STRATEGIC ISSUES TO BE ADDRESSED\*

## 1. Cost of medical/pharmaceutical care

Providing necessary medication for all Californians is a concern; there is an increasing demand for affordable health care services. Also, spiraling medical care and prescription costs may influence people to take short cuts on their drug therapy or to seek medications from nontraditional pharmacy sources. Tiered pricing is a global reality. Due to global communication, patients can access drugs at different prices, worldwide. Patients seek lower cost medications from these sources because patients assume that prescription drugs are of the same quality as they are accustomed to obtaining from their neighborhood pharmacies. However, the cost of drugs drives unscrupulous individuals (such as counterfeiters and diverters) as well as conscientious health care providers to operate in this marketplace, the former endanger public health and confidence in the prescription drugs patients take.

## 2. Aging population

There are increasingly more senior citizens, and that population is living longer. Many senior citizens who are without the benefit of prescription drug insurance coverage and the ability to purchase medications, may be able to benefit from the new prescription drug benefit of Medicare in January 2006. Also, A-aging consumers often have decreased cognitive skills, eyesight and mobility. Consequently as the senior population increases so will the volume of prescriptions and the impact on pharmacists and pharmacy personnel to meet the demand.

## 3. Pharmacists' ability to provide care

The ability of pharmacy to provide optimal care for patients with chronic conditions is being challenged. Drugs are becoming more powerful and it is anticipated that more intervention by pharmacists will be required. The challenge is even greater when consumers fill multiple prescriptions at different pharmacies. The pharmacist shortage, increased consumer demand for prescription drugs, patient compliance in taking medications and polypharmacy are issues which will impact pharmacists' ability to provide care.

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\* Revised in April 2003, 2004 and 2005. Developed in April 2002 following STEP and SWOT analyses by Board of Pharmacy members, staff and stakeholders

#### **4. Changing demographics of California patients**

The diversity of California's population is growing with respect to race, ethnicity and linguistic skills, as is the segment that seeks drugs and products from foreign countries. This requires greater knowledge, understanding and skills from health care practitioners. The increasing diversity of patients is coupled with culturally-based beliefs that undervalue the need for licensed pharmacists and pharmacies, and instead encourage purchase of prescription drugs from nontraditional locations and providers.

There also is widespread belief that there must be a medication solution for every condition or disease state.

#### **5. Laws governing pharmacists**

New laws enhancing the pharmacists' role as a health care provider are needed. The laws must address several key issues including: expansion of the scope of pharmacy practice, the ratio of personnel overseen by pharmacists, delineation of the role of pharmacists relative to selling versus nonselling duties of personnel, and the responsibility for legal and regulatory compliance of the pharmacist-in-charge.

#### **6. Legislative issues for pharmacies**

There are several legislative trends that will impact pharmacies. The federal government has demonstrated an increasing interest in regulating health care to safeguard consumer interests. New legislation and regulation may be created in response to the September 11 disaster. ~~It is expected that the outcome of the 2004 elections will affect whether legislation to provide medical and pharmaceutical care to the indigent, elderly and non-citizen population is introduced and passed.~~ Changes are coming in the prescription drug benefits to Californians and Medicare beneficiaries.

#### **7. Electronic prescribing/automation**

Technology will greatly impact the processing and dispensing of medication. Electronic prescribing and 'channeling' to locations other than a traditional pharmacy may become the business model. Automated pharmacy systems and electronic prescribing will impact pharmacy. New methods of dispensing medications raise additional liability issues.

#### **8. Internet issues**

The availability of prescription drugs over the Internet is on the rise. Multiple and easy access of drugs without pharmacist participation is dangerous. Entities promoting illegal drug distribution schemes have taken advantage of the Internet. Monitoring and protecting the public from improper drug distribution from these Internet pharmacies is severely impaired ~~handicapped~~ with continued resource ~~challenges~~ constraints by both the federal and state agencies with jurisdiction.

## 9. Disaster planning and response

Pharmacists need to be ready to be positioned to provide emergency care and medication in response to natural disasters and terrorism. This requires specialized knowledge, advance planning and integration of local, state and federal resources that can be quickly mobilized.

Additionally, regulatory adjustments to the September 11 terrorism may affect persons' rights to privacy.

## 10. Qualified staff

The state's fiscal crisis ~~will~~ has affected the board's ability to investigate customer complaints or hire staff. The board lost 20 percent of its staff during the prior four years due to the state's hiring freezes. Loss of these staff has altered the provision of services by the board. Moreover, ~~The duration of the state hiring freeze is unknown. If wages are also remain~~ essentially frozen, the retention of current employees could be impacted.

## INTERNAL/EXTERNAL ASSESSMENT

The critical data stemming from the SWOT analysis is reflected below. The information represents a deliberative process of multiple iterations conducted with the board members, staff and stakeholders.

<b>Strengths</b>	<b>Weaknesses</b>
<p>1. Staff/Inspectors: Staff's teamwork, dedication, diversity, and knowledge. Pharmacist inspectors provide necessary, specialized knowledge.</p> <p>2. Leadership: Support and communication provided by management, diversity and experience of board members.</p>	<p>1. Resources: Budget constraints and insufficient resources to meet mandated duties at desired levels</p> <p>2. Staffing Shortages: Insufficient staff to perform, manage, and review consumer protection activities of licensing, enforcement, and education programs.</p>

<b>Opportunities</b>	<b>Threats</b>
<p>1. Pharmacist's Role: Pharmacy profession has large potential role in healthcare delivery. Pharmacists have opportunities in roles associated with patient care and not exclusively dispensing.</p> <p>2. Technology/Automation: Promoting legislation and regulations to foster the use of technological advances by pharmacies, attainment of operational efficiencies, decreased administrative burdens, and enhanced patient care services.</p> <p>3. Consumer Safety/Privacy: Promoting a nonpunitive learning environment approach to improving pharmacy patient safety. Continuing emphasis on patient safety by involving</p>	<p>1. Board of Pharmacy staffing is insufficient to perform mandated duties at desired levels.</p> <p>2. Board funding: Lack of funding for new programs; lack of fiscal control of board over much of its budget; budget constraints and deficits; hiring freeze.</p> <p>3. Cost of pharmaceuticals: Impacts of the increasing costs of pharmaceuticals cannot be managed or controlled by the consumer or the board.</p>

<p>the pharmacist in patient care.</p> <p>4. Public education: Increasingly informed consumers means the profession must be able to deliver public education on drug use safety and healthcare issues.</p>	<p>4. Pharmacy personnel shortage: Lack of licensees impedes the ability of patients to receive quality pharmacists care.</p>
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## **SUMMARY OF GOALS**

### **Goal One**

Exercise oversight on all pharmacy activities.

### **Goal Two**

Ensure the professional qualifications of licensees.

### **Goal Three**

Advocate legislation and promulgate regulations that advance the vision and mission of the Board of Pharmacy.

### **Goal Four**

Provide relevant information to consumers and licensees.

### **Goal Five**

Achieve the board's mission and goals.

# Goals, Outcomes, Objectives, and Measures

## Enforcement Committee

<p><b>Goal 1:</b> Exercise oversight on all pharmacy activities.</p> <p><b>Outcome:</b> Improve consumer protection.</p>
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<p><b>Objective 1.1:</b></p>	<p>To achieve 100 percent closure or referral on all cases within 6 months by June 30, 2005:</p>
<p><b>Measure:</b></p>	<p>Percentage of cases closed or referred within 6 months</p>
<p><b>Tasks:</b></p>	<ol style="list-style-type: none"> <li>1. Mediate all consumer complaints within 90 days.</li> <li>2. Investigate all other cases within 120 days.</li> <li>3. Close (e.g. issue citation and fine, refer to the AG's Office) all board investigations and mediations within 180 days.</li> <li>4. Seek legislation to grant authority to the executive officer to issue a 30-day Cease and Decease Order to any board-licensed facility when the operations of the facility poses an immediate threat to the public.</li> <li>5. Integrate data obtained from computerized reports into drug diversion prevention programs and investigations (CURES, 1782 reports, DEA 106 loss reports).</li> <li>6. Re-establish the CURES workgroup that includes other regulatory and law enforcement agencies to identify potential controlled substance violations and coordinate investigations.</li> <li>7. Secure sufficient staffing for a complaint mediation team and to support an 800 number for the public.</li> <li>8. Improve public service of the Consumer Inquiry and Complaint Unit.</li> <li>9. Automate processes to ensure better operations and integrate technology into the board's investigative and inspection activities.</li> </ol>

<b>Objective 1.2:</b>	<b>To achieve 100 percent closure on all administrative cases within one year by June 30, 2005.</b>
<b>Measure:</b>	<b>Percentage closure on administrative cases within 1 year</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Pursue permanent funding to increase Attorney General expenditures for the prosecution of board administrative cases.</li> <li>2. Aggressively manage cases, draft accusations and stipulations and monitor AG billings and case costs.</li> <li>3. Establish a disciplinary cause of action for fraud convictions similar to current cash compromise provisions related to controlled substances.</li> <li>4. Automate processes to ensure better operations and integrate technology into the board's investigative and inspection activities.</li> <li>5. Review and update disciplinary guidelines.</li> </ol>

<b>Objective 1.3:</b>	<b>Inspect 100 percent of all licensed facilities once every 3 years by June 30, 2004.</b>
<b>Measure:</b>	<b>Percentage of licensed facilities inspected once every 3 years</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Automate processes to ensure better operations and integrate technology into the board's investigative and inspection activities.</li> <li>2. Inspect licensed premises to educate licensees proactively about legal requirements and practice standards to prevent serious violations that could harm the public.</li> <li>3. Seek legislation to mandate that periodic inspections are done of all board-licensed facilities.</li> </ol>

<b>Objective 1.4:</b>	<b>Develop 4 communication venues in addition to the inspection program to educate board licensees by June 30, 2005.</b>
<b>Measure:</b>	<b>Number of communication venues (excluding inspection program)</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Develop the board's website as the primary board-to- licensee source of information.</li> <li>2. Prepare two annual <i>The Scripts</i> to advise licensee of pharmacy law and interpretations.</li> <li>3. Update pharmacy self-assessment annually.</li> <li>4. Develop board-sponsored continuing education programs for pharmacists in the area of pharmacy law and the expectations of the pharmacist-in-charge and coordinate presentations at local and annual professional association meetings throughout California.</li> </ol>

<b>Objective 1.5:</b>	<b>To monitor alternative enforcement programs for 100 percent compliance with program requirements by June 30, 2005.</b>
<b>Measure:</b>	<b>Percentage compliance with program requirements</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Administer effective alternative enforcement programs to ensure public protection (Pharmacists Recovery Program, probation monitoring program, citation and fine program).</li> <li>2. Automate processes to ensure better operations and integrate technology into the board's investigative and inspection activities.</li> </ol>

<b>Objective 1.6:</b>	<b>Respond to 95 percent of all public information requests within 10 days by June 30, 2005.</b>
<b>Measure:</b>	<b>Percentage response to public information requests within 10 days</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Activate public inquiry screens to expand public information. Establish web look-up for disciplinary and administrative (citation) actions.</li> <li>2. Establish on-line address of record information on all board licensees.</li> <li>3. Respond to specialized information requests from other agencies about board programs, licensees (e.g. subpoenas) and Public Record Act requests.</li> </ol>

<b>Objective 1.7:</b>	<b>Initiate policy review of 25 emerging enforcement issues by June 30, 2005</b>
<b>Measure:</b>	<b>The number of issues</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Reimportation.</li> <li>2. Modification to the Quality Assurance Regulation Regarding Patient Notification.</li> <li>3. Proposals Regarding Wholesale Transactions.</li> <li>4. Clarification Regarding Prescription Records by Authorized Officers of the Law.</li> <li>5. Review of Pharmacy Law Regarding the Delivery of Medications After the Pharmacy is Closed and a Pharmacist in not Present.</li> <li>6. Off-Site Order Entry of Hospital Medication Orders (Bus. &amp; Prof. Code Section 4071.1).</li> <li>7. Prescriber Dispensing.</li> <li>8. Implementation of federal HIPAA Requirements.</li> <li>9. Prohibition of Pharmacy-Related Signage.</li> <li>10. Implementation of Enforcement Provisions from SB 361 (Sunset Review items).</li> <li>11. Implementation of SB 151 (Elimination of the Triplicate).</li> <li>12. Dispensing Non-Dangerous Drugs/Devices Pursuant to a Prescriber's Order for Medi-Cal Reimbursement.</li> <li>13. Authorized Activities in a Pharmacy.</li> <li>14. Review of Quality Assurance Program.</li> <li>15. Limited Distribution and Shortage of Medications.</li> <li>16. Conversion of Paper Invoices to Electronic Billing.</li> </ol>

	17. Automated Dispensing.

## Licensing Committee

<b>Goal 2:      Ensure the professional qualifications of licensees.</b> <b>Outcome:    Qualified licensees</b>
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<b>Objective 2.1:</b>	<b>Issue licenses within three working days of a completed application by June 30, 2005.</b>
<b>Measures:</b>	<b>Percentage of licenses issued within 3 work days</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Review 100 percent of all applications within 7 work days of receipt.</li> <li>2. Process 100 percent of all deficiency documents within 3 work days of receipt.</li> <li>3. Make a licensing decision within 3 work days after all deficiencies are corrected.</li> <li>4. Issue professional and occupational licenses to those individuals and firms that meet minimum requirements.             <ul style="list-style-type: none"> <li>• Pharmacists</li> <li>• Intern pharmacists</li> <li>• Pharmacy technicians</li> <li>• Foreign educated pharmacists (evaluations)</li> <li>• Pharmacies</li> <li>• Non-resident pharmacies</li> <li>• Wholesaler drug facilities</li> <li>• Veterinary food animal drug retailers</li> <li>• Exemptees (the non-pharmacists who may operate sites other than pharmacies)</li> <li>• Out-of-state distributors</li> <li>• Clinics</li> <li>• Hypodermic needle and syringe distributors</li> </ul> </li> <li>5. Deny licenses to applicants not meeting board requirements.</li> </ol>

<p><b>Objective 2.2:</b></p>	<p><b>Implement at least 50 changes to improve licensing decisions by June 30, 2005.</b></p>
<p><b>Measure:</b></p>	<p><b>Number of implemented changes</b></p>
<p><b>Tasks:</b></p>	<ol style="list-style-type: none"> <li>1. Review Pharmacist Intern Program.</li> <li>2. Implement changes to the Pharmacy Technician Program. <ol style="list-style-type: none"> <li>a. Use PTCB as a qualifying method for registration.</li> <li>b. Eliminate clerk-typist from pharmacist supervisory ratio.</li> <li>c. Change education qualifications from A.A. degree in health science to A.A. degree in Pharmacy Technology.</li> </ol> </li> <li>3. Administer a pharmacist licensure exam more than twice a year.</li> <li>4. Assist applicants in preparing to take the California pharmacist licensure examination by developing (or fostering the development of) educational programs and information on how to prepare for the pharmacist exam and by requesting that outside agencies (schools of pharmacy and private educational organizations) develop exam workshops that prepare applicants for the California Pharmacist Exam.</li> <li>5. Develop statutory language to give the Board of Pharmacy the authority to grant waivers for innovative, technological and other practices to enhance the practice of pharmacy and patient care that would have oversight by an independent reviewing body during the study.</li> <li>6. Continuously review and develop written exams to ensure they fairly and effectively test the knowledge, skills and abilities of importance to the practice of pharmacy in California.</li> <li>7. Implement the sterile compounding pharmacy licensing requirements by July 1, 2003.</li> <li>8. Issue temporary permits whenever change of ownership occurs.</li> <li>9. Establish means for licensee to renew permits on line.</li> </ol>

<b>Objective 2.3:</b>	<b>Evaluate five emerging public policy initiatives affecting pharmacists' care or public safety by June 30, 2005.</b>
<b>Measure:</b>	<b>Number of public policy initiatives evaluated</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Explore the need to regulate pharmacy benefit managers.</li> <li>2. Explore the need to regulate drugs labeled for "veterinary use only."</li> <li>3. Explore the importation of drugs from foreign countries.</li> <li>4. Develop language and pursue a regulation change to allow the central fill of medication orders for inpatient hospital pharmacies.</li> </ol>

<b>Objective 2.4:</b>	<b>Cashier 100 percent of all application and renewal fees within two working days of receipt by June 30, 2005.</b>
<b>Measure:</b>	<b>Percentage of cashiered application and renewal fees within 2 working days</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Cashier application fees.</li> <li>2. Cashier renewal fees</li> <li>3. Secure online renewal of licenses</li> </ol>

<b>Objective 2.5:</b>	<b>Respond to 95 percent of all requests for verification of licensing information within 5 working days by June 30, 2005.</b>
<b>Measure:</b>	<b>Percentage response for verifying licensing information within 5 working days</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Respond to requests for licensing verification</li> </ol>

<b>Objective 2.6:</b>	<b>Update 100 percent of all information changes to licensing records within 5 working days by June 30, 2005.</b>
<b>Measure:</b>	<b>Percentage of licensing records changes within 5 working days</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Make address and name changes.</li> <li>2. Process discontinuance of businesses forms and related components.</li> <li>3. Process changes in pharmacist-in-charge and exemptee-in-charge.</li> <li>4. Process off-site storage applications.</li> </ol>

## Legislation and Regulation Committee

<b>Goal 3:</b>	<b>Advocate legislation and promulgate regulations that advance the vision and mission of the Board of Pharmacy.</b>
<b>Outcome:</b>	<b>Improve the health and safety of Californians.</b>

<b>Objective 3.1:</b>	<b>Annually identify and respond with legislative changes to keep pharmacy laws current and consistent with the board's mission.</b>
<b>Measure:</b>	<b>100 percent successful enactment of promoted legislative changes</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Secure extension of board's sunset date.</li> <li>2. Sponsor legislation to strengthen and update licensing requirements for pharmacy technicians.</li> <li>3. Sponsor legislation to add enforcement options for non-compliance issues.</li> <li>4. Sponsor legislation to update pharmacy law to standardize terminology regarding cancellation of licenses, waiving pharmacy law requirements during declared emergencies.</li> <li>5. Advocate the board's role and its positions regarding pharmacists' care and dispensing of dangerous drugs and devices.</li> <li>6. Sponsor clean-up language to B &amp; P Code section 4312.</li> <li>7. Sponsor public meetings 4 times a year to solicit comments on areas needing legislative changes.</li> </ol>

<b>Objective 3.2:</b>	<b>Annually identify and respond with regulatory changes to keep pharmacy regulations current and consistent with the board's mission.</b>
<b>Measure:</b>	<b>Percentage successful enactment of promoted regulatory changes</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Strengthen standards for compounding sterile injectable drug products.</li> <li>2. Authorize the executive officer the authority to issue citations and fines.</li> <li>3. Eliminate the clerk typist ratio.</li> <li>4. Allow pharmacists to be pharmacist-in-charge of two locations simultaneously.</li> <li>5. Update pharmacy Self-Assessment document.</li> <li>6. Allow central filling by hospital pharmacies.</li> <li>7. Revise regulations concerning electronic prescribing to conform to AB 2245, and require that the pharmacist confirm the authenticity of any electronic prescription in which there is an uncertainty or ambiguity.</li> </ol>

<b>Objective 3.3:</b>	<b>Review 5 areas of pharmacy law for relevancy, currency and value for consumer protection by June 30, 2005.</b>
<b>Measure:</b>	<b>Number of areas of pharmacy law reviewed</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Evaluate electronic prescribing laws involving controlled substances.</li> <li>2. Evaluate the prescribing and dispensing of veterinary drugs.</li> <li>3. Evaluate group dispensing by prescribers.</li> </ol>

## Communication and Public Education Committee

<p><b>Goal: 4: Provide relevant information to consumers and licensees.</b></p> <p><b>Outcome: Improved consumer awareness and licensee knowledge.</b></p>
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<b>Objective 4.1:</b>	<b>Develop 10 communication venues to the public by June 30, 2005.</b>
<b>Measure:</b>	<b>Number of communication venues developed to the public</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Convert <i>Health Notes</i> articles into consumer columns or fact sheets for wide-dissemination to the public.</li> <li>2. Develop and update public education materials.</li> <li>3. Maintain a vigorous, informative Web site.</li> <li>4. Sponsor "Hot Topics" seminars to the public.</li> </ol>

<b>Objective 4.2:</b>	<b>Develop 10 communication venues to licensees by June 30, 2005.</b>
<b>Measure:</b>	<b>Number of communication venues developed to licensees</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Publish <i>The Script</i> two times annually.</li> <li>2. Publish one <i>Health Notes</i> annually.</li> <li>3. Develop board-sponsored continuing education programs in pharmacy law and coordinate presentation at local and annual professional association meetings throughout California.</li> <li>4. Maintain important and timely licensee information on Web site.</li> </ol>

<b>Objective 4.3:</b>	<b>Participate in 20 forums, conferences and public education events by June 30, 2005.</b>
<b>Measure:</b>	<b>Number of forums participated</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Participate in forums, conferences and educational fairs.</li> </ol>

<b>Objective 4.4:</b>	<b>Respond to 100 percent of information requests from governmental agencies regarding board programs and activities.</b>
<b>Measure:</b>	<b>Percentage response to information requests from governmental agencies</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. By June 1, 2004, submit report to Legislature on statutory requirements for remedial education after four failed attempts on the California pharmacist exam.</li> <li>2. Provide information to legislators regarding board implementation of statutory requirements.</li> <li>3. Provide agency statistical data information to the department.</li> </ol>

<b>Objective 4.5</b>	<b>Respond to 100 percent of public information requests regarding board programs and activities.</b>
<b>Measure:</b>	<b>Percentage response to information requests from the public</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Respond to public information requests.</li> </ol>

## Organizational Development Committee

<b>Goal 5:</b>	<b>Achieve the board's mission and goals.</b>
<b>Outcome:</b>	<b>An effective organization</b>

<b>Objective 5.1:</b>	<b>Obtain 100 percent approval for identified program needs by June 30, 2005.</b>
<b>Measure:</b>	<b>Percentage approved for identified program needs</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Review workload and resources to streamline operations, target backlogs and maximize services.</li> <li>2. Develop budget change proposals to secure funding for needed resources.</li> <li>3. Perform strategic management of the board through all committees and board activities.</li> <li>4. Manage the board's financial resources to ensure fiscal viability and program integrity.</li> </ol>

<b>Objective 5.2:</b>	<b>Maintain 100 percent staffing of all board positions.</b>
<b>Measure:</b>	<b>Percentage staffing of board positions</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Continue active recruitment of pharmacists for inspector positions.</li> <li>2. Vigorously recruit for any vacant positions.</li> <li>3. Perform annual performance and training assessments of all staff.</li> </ol>

<b>Objective 5.3:</b>	<b>Implement 10 strategic initiatives to automate board processes by June 30, 2005.</b>
<b>Measure:</b>	<b>Number of strategic initiatives implemented to automate board processes</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Perform a feasibility study to establish the board's own computer system to track licensees and enforcement activities.</li> <li>2. Continue to work with the Department on the development and implementation of Professional Licensing and Enforcement Management System (PLEMS).</li> </ol>

<b>Objective 5.4:</b>	<b>Provide for communication venues to communicate within the board by June 30, 2005.</b>
<b>Measure:</b>	<b>Number of communication venues to communicate within the board</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Continue the Communication Team to improve communication among staff and host quarterly staff meetings.</li> <li>2. Continue Enforcement Team meetings with board members and enforcement staff.</li> <li>3. Convene inspector meetings to develop standardized investigation and inspection processes and earn continuing education.</li> </ol>

<b>Objective 5.5:</b>	<b>Annually conduct at least 2 outreach programs where public policy issues on health care are being discussed.</b>
<b>Measure:</b>	<b>Number of outreach programs conducted in one year</b>
<b>Tasks:</b>	<ol style="list-style-type: none"> <li>1. Attend outreach programs.</li> </ol>

# Attachment 3

*Board of Pharmacy's Board  
Member Procedure Manual*

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# Chapter 1

## Introduction

### Overview

The California State Board of Pharmacy (board) was created by the California Legislature in 1891 to protect the public by regulating the practice of pharmacy. Section 4000.1 of the California Business and Professions Code specifically establishes that:

*Protection of the public shall be the highest priority for the California State Board of Pharmacy in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.*

The board is one of the boards, bureaus, commissions, and committees within the Department of Consumer Affairs (DCA), part of the State and Consumer Services Agency under the aegis of the Governor. The department is responsible for consumer protection and representation through the regulation of licensed professionals and the provision of consumer services. While the DCA provides administrative oversight and support services, the board has policy autonomy and sets its own policies, procedures, and regulations.

The board is presently comprised of ~~11~~13 members; ~~four~~six are public members, and ~~7~~seven are pharmacists, as required by law. The seven pharmacist members and two public members are appointed by the Governor. One public member is appointed by the Assembly Speaker and one is appointed by the Senate Rules Committee. Board members may serve up to two four-year terms.

According to California law, at least five of the seven pharmacist members of the board must be pharmacists who are actively engaged in the practice of pharmacy. There must be at least one pharmacist representative from each of the following practice settings: an acute care hospital, an independent community pharmacy, a chain community pharmacy, and a long-term health care or skilled nursing facility. The pharmacist appointees shall also include a pharmacist who is a member of a labor union that represents pharmacists. A "chain community pharmacy" means a chain of 75 or more stores in California under the same ownership, and an "independent community pharmacy" means a pharmacy owned by a person or entity who owns no more than four pharmacies in California. California Business and Professions Code section 40001(c).

Board members fill non-salaried positions but are paid \$100 per day for each meeting day (or 8-hour day spent performing board business) and are reimbursed travel expenses.

The board's operations are guided by its strategic plan, which is revised each year with the active partnership of all board members and staff.

This procedure manual is provided to board members as a ready reference of important laws, regulations, DCA policies, and board policies in order to guide the actions of the board members and ensure board effectiveness and efficiency. The executive officer will coordinate an orientation session with each new board member upon his or her appointment, to assist the new member in learning processes and procedures.

## **Definitions**

B&P Business and Professions Code

Board California State Board of Pharmacy

DCA Department of Consumer Affairs

EO Executive Officer

SAM State Administrative Manual

## Chapter 2

### Board Meeting Procedures

#### **Frequency of Meetings**

*[B&P Code Section 4002(b)]*

The board is required by statute to meet at least once every four months and may meet more often as it determines necessary. The board's strategic plan directs four meetings annually.

#### **Board Member Attendance at Board Meetings**

*(Board Policy)*

Board members shall attend each meeting of the board. If a member is unable to attend, he or she must contact the board president or the executive officer and ask to be excused from the meeting for a specific reason. Minutes will reflect when a member has been excused or is absent. Two consecutive non-excused absences may result in a request to the appointing authority that the member be replaced.

#### **Board Member Participation**

*(B & P Code Sections 106 and 106.5)*

The Governor has the power to remove from office at any time any member of any board appointed by him/her for continued neglect of duties required by law or for incompetence or unprofessional or dishonorable conduct. The Governor may also remove from office a board member who directly or indirectly discloses examination questions to an applicant for examination for licensure.

#### **Public Attendance at Board Meetings**

*(Government Code Section 11120 et seq.)*

Board meetings are subject to the provisions of the Bagley-Keene Open Meeting Act. This act governs meetings of the state regulatory boards and meetings of committees of those boards where the committee consists of more than two members. It specifies meeting notice and agenda requirements and prohibits discussing or taking action on matters not included on the agenda. A videotape and written materials on the Open Meeting Act are available from the board, and all members are encouraged to review these materials.

Attendance at general conferences which involve a discussion of broad issues and which are attended by a broad spectrum of participants are not covered by open meeting laws so long as members of the board do not discuss among themselves matters which are, or potentially may be, before the board. On the other hand, a workshop that is focused specifically on board issues and which involve more than two board members must meet the requirements of the open meetings law.

Communications between or among more than two board members may be considered "meetings" if those communications occur in a serial fashion through a series of telephone calls or other communications (such as electronic mail) by which more than two of the board members are involved and board business is discussed (e.g. polling of board members). Such communications are prohibited.

Any general discussion of exams or disciplinary procedures shall be held in public. The board may meet in closed session to discuss examinations where a public discussion would compromise the integrity of the examination to deliberate on disciplinary cases and to discuss pending litigation.

An annual evaluation of the executive officer is held each year in closed session.

If the agenda contains matters that are appropriate for closed session, the agenda must cite the particular statutory section and subdivision authorizing the closed session.

## **Quorum**

*[B&P Code Section 4002(b) and Board Policy]*

~~Six~~ Seven members of the board constitute a quorum for the transaction of business. The majority of a quorum is necessary to act on behalf of the board.

The board uses the following criteria in counting votes on a given motion or decision (this includes motions during board meetings and mail votes on disciplinary matters).

The board must have a quorum of members present to take an action.

- There must be at least seven members voting for the board to take an action or position an item.
- A motion passes if a majority of those voting votes for the measure.
- Abstentions count as votes for purposes of establishing a quorum, but do not count as votes for or against the measure. Abstentions simply mean that the abstaining board member will go along with the majority decision of the board.

*For example, if seven members are present, and four members abstain from voting, then: a vote of 2 Aye, 1 Nay and 4 Abstain would mean that the motion passes (the majority vote is 2 versus 1, with 4 agreeing to go along with the majority of those voting).*

- The board president may determine to vote or not vote on any matter before the board.

Should a board member recuse him or herself from voting on a matter, that member is still counted for purposes of achieving a quorum.

## **Mail Ballots**

*(Government Code Section 11500)*

The board must approve any decision or stipulation before the formal discipline becomes final and the penalty can take effect. Proposed stipulations and decisions are mailed to each board member for his or her vote. A cover memorandum from board staff and a deputy attorney general (if applicable) accompanies the mail ballot. A two week deadline is given for the mail ballots to be completed and returned to the board's office.

After the deadline of 15 days and after seven ~~Once six~~ votes from board members have

~~been received, a decision has been reached. If majority of the votes are to adopt a decision are received and the deadline has passed, the signature pages are sent to the board president, who signs the written decision document.~~

~~If two votes are cast before the deadline to a hold a case for discussion, is placed on the case is set aside and not processed (even if seven votes have been cast on the decision). Instead the case is scheduled for discussion during closed session at the next board meeting before the deadline date for the decision, the case is set aside and not processed. Under bBoard policy is that when a member wishes to hold a case, the reason for the hold must be provided on the mail ballot. This allows staff the opportunity to prepare the information being requested. Even when a ballot is received after the deadline, the vote is tallied.~~

### **Holding Disciplinary Cases for Discussion at Board Meetings**

*(Board Policy)*

When voting on mail ballots for proposed disciplinary decisions or stipulations, a board member may wish to discuss a particular aspect of the decision or stipulation before voting. If this is the case, the ballot should be marked "Hold for discussion."

For a case to be held for discussion before the board's vote on the matter (this will be discussed in closed session), two board members must mark the mail ballot "Hold for discussion."

If the matter is held for discussion, staff counsel will preside over the closed session to assure compliance with the Administrative Procedure Act and Open Meeting Act.

If the board member is comfortable voting on the matter, but wishes to discuss the policy behind the decision or case, the ballot should be marked "Policy Issue for Discussion. I have voted above. Issue: \_\_\_\_\_." The EO will respond directly to the member. If still unresolved or if the matter is to be referred to the board, the policy issue will be placed on the agenda for discussion at the next Board Enforcement Committee Meeting.

### **Agenda Items**

*(Board Policy)*

Any board member may suggest items for a board meeting agenda to the executive officer or during the "New Business" discussion at every board meeting. The EO sets the agenda at the direction and approval of the board president.

~~Generally agenda items for board meetings originate with one of the board's five standing committees (the Enforcement Committee, Licensing Committee, Communication and Public Education Committee, Legislation and Regulation Committee, and the Organizational Development Committee).~~

~~The agendas for board meetings are constructed around the activities of each of these committees, and provided as a committee report to the board.~~

~~At the committee meetings, initial discussions are typically scheduled.~~

## **Notice of Meetings**

*(Government Code Section 11120 et seq.)*

According to the Open Meetings Act, public meeting notices (including agendas for board meetings) must be sent to persons on the board's mailing list at least 10 calendar days in advance of the meeting. The notice must include a staff person's name, work address and work telephone number who can provide further information prior to the meeting.

## **Record of Meetings**

*(Board Policy)*

Board The minutes are a summary, not a transcript, of each board meeting. They are prepared by board staff and submitted for review by board members before the next board meeting. Board minutes are approved at the next scheduled meeting of the board. The purpose of reviewing and approving the minutes at a board meeting is not to approve of actions taken by the board at the previous meeting, but rather to determine whether the minutes as drafted accurately reflect the board's discussion at the previous meeting. When approved, the minutes shall serve as the official record of the meeting.

## **Tape Recording**

*(Board Policy)*

The public-session portions of a meeting may be tape-recorded if determined necessary for staff purposes. Tape recordings shall be disposed of following board approval of the minutes.

## **Meeting Rules**

*(Board Policy)*

The board generally uses Robert's Rules of Order as a guide for conducting its meetings, to the extent that this does not conflict with state law (e.g., Bagley-Keene Open Meeting Act). Questions of order are clarified by the board's parliamentarian or the board's attorneys.

## Chapter 3

### Committee Meetings

#### Committees of the Board

The board's strategic plan establishes five standing committees through which the board establishes its goals and organizes its activities in pursuit of ensuring the public health, safety and welfare, and to assure the provision of quality pharmacists' care. These five committees develop policy related to a board mission-related goal. The committees and their goal areas are:

- Licensing – Ensuring the professional qualifications of licensees. This includes that those entering the practice of pharmacy, as well as those continuing to practice, meet minimum requirements for education, experience and knowledge. The board also ensures that facilities licensed by the board meet minimum standards.
- Enforcement – Protecting the public by exercising oversight on all pharmacy activities. This includes preventing violations and effectively enforcing federal and state pharmacy laws when violations occur.
- Communication and Public Education – Providing relevant information to consumers and licensees. This includes encouraging the public to discuss their medications with their pharmacist; emphasizing the importance of patients complying with their prescription treatment regimens; and helping pharmacists to become better informed on subject of importance to the public.
- Legislation and Regulation – Advocating legislation and promulgating regulations that advance the vision and mission of the board. These activities ensure better patient care and more effective regulation of the individuals and firms who handle, dispense, furnish, ship and store prescription drugs and devices in California.
- Organizational Development – Achieving the board's mission and goals. This is done through strategic planning, budget management and staff development activities.

Each of these committees is comprised of at least two board members and staff who provide technical and administrative input and support. The committees are an important venue for ensuring that staff and board members share information and perspectives in crafting and implementing strategic objectives.

The board's committees allow board members and staff to discuss and conduct problem solving on issues related to the board's strategic goals. They also allow the board to consider options for implementing components for the strategic plan. The committees are charged with coordinating board efforts to reach board goals and achieving positive results on its performance measures.

The board president designates one of the two board members as the committee's chairperson. The chairperson coordinates the committee's work and ensures progress toward the board's priorities.

Each committee meets once before a quarterly board meeting. The committees refer policy decisions to the full board during a public meeting for a formal decision and vote. During this discussion, the public is encouraged to provide comments. The board meeting agenda will list action items and discussion items of interest for each committee.

All quarterly meetings of the Enforcement, and Licensing and Communication and Public Education Committees are public meetings. This reflects the high interest the public has shown for the agenda items of these committees. The Legislation and Regulation committee holds at least two public meetings each year, typically in the spring and fall in order to recommend positions on introduced legislation (in the spring) or to develop legislative or regulatory proposals (in the fall). ~~The remaining two committee meetings hold~~ Organizational Development Committee holds at least one public meeting annually, typically in conjunction with a board meeting.

During any public committee meeting, comments from the public are strongly sought, and the meetings themselves are frequently public forums on specific issues before a committee. Board members who are not members of a committee may attend a public committee meeting as part of the audience. However, if a majority of members of the full board are present during a committee meeting, members of the board who are not members of the board committee may attend the committee meeting only as observers.

It is also important to note that any time more than two board members attend a board committee meeting, that committee must have been publicly noticed.

The board also has one standing committee with responsibilities for the California pharmacist licensing examination (the Competency Committee). This committee is described below.

### **Competency Committee**

The board's Competency Committee is responsible for developing and grading the board's pharmacist licensure examination, the California Pharmacist Jurisprudence Examination (known as the CPJE). The committee is comprised of representatives from a cross section of professional practice as well as representatives from each of California's schools of pharmacy.

Membership on this committee is professionally challenging as well as time consuming. The committee meets six times five times annually in two-day meetings. There is also a two-day annual goal setting session and occasional subcommittee work. Membership is for a maximum of eight years, and appointment is by the board president.

The Competency Committee is a stand-alone committee that is within the auspices of the board's Licensing Committee. However, meetings of the Competency Committee are not public meetings because these meetings are for examination construction.

~~Under board regulations (CCR 1775 et seq.), a committee of the board may issue a citation and fine for any violation of the Pharmacy Law or regulations adopted by the board. The entire process, from initiation of a complaint, is described briefly below.~~

~~When the board receives a complaint or uncovers potential violations of the law through its own efforts, the matter is investigated by staff. During the course of an investigation, evidence is obtained to determine if the alleged violation occurred. As part of the investigation, the licensee may be asked for documents (e.g., business records, patient records, and/or policies and procedures) and/or for statements regarding the events that~~

transpired. Licensees are encouraged to respond in a timely and accurate manner as the information is used as part of the investigative record. A licensee's responsiveness or non-responsiveness may be considered as a factor in mitigation or aggravation.

If it is believed that a violation of pharmacy law took place, the licensee may be advised of the alleged violation through the notification process. This notification will simply inform the licensee the violations of pharmacy law that the staff thinks occurred. This notification isn't the board's final or formal determination regarding the matter. It is not a disciplinary action at this stage.

At this time, the licensee is provided with another opportunity to respond in writing to the alleged violation. In the written response, the licensee may address the specifics of the violation, as well as provide any mitigatory information that the licensee wishes to have included in the investigation report.

After the investigation is completed and there is a determination by the staff that the law was violated, the case is referred to a supervising inspector for review. If the supervising inspector determines that there was no violation or that the violation was so minor as to not merit any action, then the case may be closed and the matter goes no further.

If after review by a supervising inspector, it is determined that action may be warranted, the case is referred to the executive officer. The executive officer, with the assistance of the supervising inspectors, reviews the matter and determines what is the appropriate course of action to pursue. The types of action that may be undertaken include:

☐ Case Closure – No Further Action

The executive officer may decide that no action is now warranted. That may occur when the executive officer determines that there was no violation, that the violation was so minor as to not merit an action, or that the mitigating circumstances were such that it would be best not to pursue an action. The matter will then not be taken any further. A disciplinary action will not be sought nor will the case be sent to the Citation and Fine Committee for the possible issuance of a citation and fine.

☐ Further Investigation

The executive officer may decide that there is insufficient evidence to determine if a violation occurred or if any action is warranted. The executive officer may then send the matter back for further investigation.

☐ Referral to the Citation and Fine Committee

After review, the executive officer may forward the matter to the board's Citation and Fine Committee. After its review, the committee may issue a citation, with or without a fine. The citation will be issued to the licensee and will include a reference to the statute or regulation violated. It will also include a description of the nature and facts of the violation, as well as a notice to the licensee of the appeal rights.

Alternatively, the committee may decide to either close the matter and take no action (in the same manner as the executive officer under the case closure option above); or seek to obtain further information (by sending the matter back to the board's staff for additional investigation and/or by requesting that the licensee appear before it). Further, the committee may decide that the violation is substantial and warrants discipline of the license. The committee may then send the case back to the executive officer for referral to the Attorney General's Office.

☐ Disciplinary Action

The executive officer may determine that the violation is substantial and warrants discipline of the license. The matter is then referred to the Attorney General's Office, where, if appropriate to do so, an accusation is prepared, which identifies the alleged

violations of pharmacy law:

#### Issuance of the Citation and Fine:

The board's two board member Cite and Fine Committee issues all citations and fines (except for those limited citations and fines that the executive officer is authorized to issue). The Citation and Fine Committee will consider the following factors when issuing a citation with or without a fine:

- Gravity of the violation
- Good or bad faith of the cited person or entity
- History of previous violations
- Evidence that the violations were or were not willful
- Recognition by the licensee of his or her wrongdoing and demonstration of corrective action to prevent recurrence, e.g., new policies and procedures, protocol, hiring of additional staff, etc.
- Extent to which the cited person or entity has cooperated with the board's investigation and other law enforcement or regulatory agencies
- Extent to which the cited person or entity has mitigated or attempted to mitigate any damage or injury caused by the violation
- If the violation involves multiple licensees, the relative degree of culpability of each licensee should be considered. In the case where the staff pharmacist failed to consult, the pharmacist-in-charge and the pharmacy may also be issued a citation and fine, if warranted by the circumstances.
- Any other relevant matters that may be appropriate to consider.

#### Fine Amounts:

The board's regulation provides that a fine can be up to a maximum of \$2,500 per licensee for each investigation. Except for violations involving:

1. Patient privacy (under provisions of the Confidentiality of Medical Information Act) where the fine can range from \$2,500 per violation to up to \$25,000 if there are prior violations, or if where there has been financial gain to the licensee is involved, where the violation can range from \$5,000 to up to \$250,000 if there are prior violations. *California Code of Regulations section 1777 et seq.*
2. Internet distribution of prescription drugs, where the fine can be up to \$25,000 per violation. *California Code of Regulations section 1778 et seq.*
3. Injectable sterile compounded drug products, where the committee can fine to up to \$2,500 per occurrence (instead of per investigation). *Business & Professions Code 4127.4*

#### Request for an Office Conference:

A licensee has 14 calendar days after service of the citation and fine to request an office conference with a board member and supervising inspector, pursuant to California Code of Regulations section 1775.4(b):

#### Appeal Process for Citation and Fine:

Payment of a fine does not constitute an admission of the violation charged. A licensee has 30 days after service of the citation and fine to file a written appeal (request for a hearing). Appeals are referred to the Attorney General's Office for a hearing in accordance

## **Committee Creation and Appointments**

*(Board Policy)*

The president may establish additional committees, whether standing or special, as he or she deems necessary. The composition of the committees and the appointment of the members shall be determined by the board president in consultation with the vice president, and the EO.

## **Attendance at Committee Meetings**

*(Board Policy)*

If a board member wishes to attend a meeting of a committee of which he or she is not a member, that board member must obtain permission from the board president to attend and must request permission of the committee chair. Note that the attendance of additional board members may impact the ability of the committee to meet without public notice and agenda. Therefore, requests to attend a committee meeting should be submitted to the EO at least two weeks in advance.

Board members who are not members of a committee may attend a public committee meeting as part of the audience. However, if a majority of members of the full board are present during a committee meeting, members of the board who are not members of the board committee may attend the committee meeting only as observers.

Also, if the board members in attendance at a public committee meeting comprise a majority of the composition of another board committee of at least three members, the additional board members can only attend as observers because participation of these additional members would otherwise constitute an unnoticed public meeting of the other committee.

## Chapter 4

### Travel & Salary Policies/Procedures

#### **Travel Approval**

*(DCA Memorandum 91-26)*

Board members shall have board president approval for all travel and salary or per diem reimbursement, except for regularly scheduled board and committee and organization meetings to which a board member is assigned.

The DCA Travel Guide information is attached as Appendix A. Board members will be reimbursed for travel expenses incurred while performing approved board business in accordance with these reimbursement criteria.

#### **Travel Arrangements**

*(Board Policy)*

Board members should make their own travel arrangements through the board's designated travel agency. Before making travel arrangements board members should coordinate their plans with the EO's secretary for lodging accommodations with the EO's secretary.

Typically the EO's secretary makes hotel reservations for board members who live outside the area in which a board meeting is scheduled.

State guidelines generally prohibit reimbursement for hotel expenses within 50 miles of an individual's home address unless preapproval is secured. Board members who wish to request an exemption to stay at a hotel less than 50 miles from their home must contact the EO's secretary to pursue this exemption at least two weeks before the meeting. The exemption must be approved by the DCA's director's office before the meeting.

#### **Out-of-State Travel**

For approved out-of-state travel, board members will be reimbursed actual lodging expenses, supported by vouchers, and will be reimbursed for meal and supplemental expenses. Out-of-state travel for all persons representing the state of California is controlled and approved by the Governor's Office.

#### **Travel Claims**

*(DCA Memorandum 91-26)*

Rules governing reimbursement of travel and meeting expenses for board members are the same as for management level state staff. All expenses shall must be claimed on the appropriate travel expense claim forms. The EO's secretary prepares these travel forms from worksheets completed by each board member. It is advisable for board members to submit their travel expense forms immediately after returning from a trip and not later than two weeks following the trip. It is also necessary to submit original receipts for expenses claimed (except for meal receipts, which are not required for reimbursement at all).

In order for travel expenses to be reimbursed, board members must follow the procedures contained in DCA memoranda which are periodically disseminated by the director and are provided to board members on at least an annual basis by the EO's secretary.

See Appendixes AB for departmental policies.

Travel expense worksheet and claim form are attached in Appendix B.

## Salary Per Diem

(B&P Code Section 103)

Compensation in the form of salary per diem and reimbursement of travel and other related expenses for board members is regulated by Business and Professions Code Section 103.

In relevant part, this section provides for the payment of salary per diem for board members "for each day actually spent in the discharge of official duties," and provides that the board member "shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties."

### (Board Policy)

Accordingly, the following general guidelines shall be adhered to in the payment of salary per diem or reimbursement for travel:

- No salary per diem or reimbursement for travel-related expenses shall be paid to board members, except for attendance at official board or assigned committee meetings. Attendance at gatherings, events, hearings, conferences or meetings other than official board or assigned committee meetings in which a substantial official service is performed shall be approved in advance by the board president.
- The term "day actually spent in the discharge of official duties" shall mean such time as is expended from the commencement of a board or committee meeting until that meeting is adjourned. If a member is absent for a portion of a meeting, hours are then reimbursed for time actually spent. Travel time is not included in this component
- For board-specified work, board members will be compensated for actual time spent performing work authorized by the board president. This may also include, but is not limited to, authorized attendance at other gatherings, events, meetings, hearings, or conferences; ~~and exam item writing and grading.~~ Work ~~does also include~~ preparation time for board or committee meetings and reading mail ballots for disciplinary actions.
- Reimbursable work does not include miscellaneous reading and information gathering, committee work not related to a meeting, preparation time for a presentation and participation at meetings not related to official participation of the board.

Board members may submit their hours for which they seek reimbursement to the EO's secretary on the Board Member Attendance Report. This worksheet may be submitted when desired by the member, but should be submitted at least quarterly. By board policy, bBoard members will be reimbursed for their hours spent at Board Meetings without submitting a claim. However, for reimbursement for all other board-sanctioned activities (including attendance at committee meetings) or performing board business, the hours must be submitted on the Board Member Attendance Report. Business and Professions Code section 103 and a Board Member Attendance Report are provided in Appendix C

At each quarterly meeting of the board, there shall be a report of all reimbursement and travel expenses claimed by each member of the board for the fiscal year.

~~Note: effective July 1, 2003, per policy adopted at the July 2003 Board Meeting in response to the state's fiscal crisis, for 2003/04 board members will be compensated only for attendance at board meetings. Board members may continue to submit their hours spent performing other board business as described above; however, these hours will be accrued until the end of the fiscal year. If money remains to provide compensation, this will be~~

~~provided. If not, the board members will not be compensated for these hours.~~

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## Chapter 5

### Other Policies/Procedures

#### **Requests for Board Representation or Presentation**

If an association or individual requests board participation at an event or meeting, a letter should be submitted to the EO, as to the purpose of the function, and the reason for the request. The board president will approve such requests consistent with the board's strategic plan and if funds are available. Approval to participate will also include the extent of participation (e.g., one time meeting, presentation or continuous participation on a committee). Continued participation as a board representative should be consistent with the board's strategic plan and may need to be approved by the full board.

Prior authorization for any reimbursement must be obtained or expenses will be the responsibility of the participant.

Board members may participate on their own (i.e., as a citizen or professional) but not as an official board representative unless approved by the board president or the board. However, board members should recognize that even when representing themselves as "individuals," their positions might be misconstrued as that of the board.

#### **Resignation of Board Members**

*(Government Code Section 1750)*

In the event that it becomes necessary for a board member to resign, a letter shall be sent to the appropriate appointing authority (Governor, Senate Rules Committee, or Speaker of the Assembly) with the effective date of the resignation. Written notification is required by state law. A copy of this letter shall also be sent to the director of the department, the board president, and the EO.

#### **Officers of the Board**

*[B&P Code Section 4002(a)]*

The board shall elect from its members a president, vice president, and treasurer.

#### **Election of Officers**

*(Board Policy)*

The board shall elect the officers at the last meeting of the fiscal year. Officers shall serve terms of one year effective June 1, and may be reelected to consecutive terms.

## **Officer Vacancies**

*(Board Policy)*

If an office becomes vacant during the year, an election shall be held at the next meeting. If the office of the president becomes vacant, the vice president shall assume the office of the president until an election is held. Elected officers shall then serve the remainder of the term.

## **Board Member Addresses**

*(DCA Policy)*

Board member addresses and telephone numbers are confidential and shall not be released to the public without expressed authority by the individual board member.

A roster of board members is maintained for public distribution and is placed on the board's Web site, using the address and telephone numbers of the board.

## **Written Correspondence and Mailings by Board Members**

*(Board Policy)*

All correspondence, press releases, articles, memoranda or any other communication written by any board member in his or her official capacity must be provided to the EO for reproduction and distribution. The EO will maintain the required chron copy and mail and distribute the written material.

## **Request for Records Access**

*(Board Policy)*

No board member may access a licensee's or applicant's file without the EO's knowledge and approval of the conditions of access. Records or copies of records shall not be removed from the board's office.

## **Communications with Other Organizations/Individuals/Media**

*(Board Policy)*

All communications relating to any board action or policy to any individual or organization, or a representative of the media shall be made only by the president of the board, his or her designee, or the EO. Any board member who is contacted by any of the above should inform the board president or EO of the contact.

## **Executive Officer (EO)**

*[B&P Code Section 4003]*

The EO is appointed by and serves at the pleasure of the board, and is exempt from civil service. The EO shall exercise the powers and perform the duties delegated by the board and vested in him or her by California pharmacy law. The EO is responsible for the financial operations and integrity of the board, and is the official custodian of records.

## **Executive Officer's Annual Evaluation**

*(Board Policy)*

At the first meeting of each fiscal year, the EO is evaluated by the board president during a closed session meeting with of board. Board members provide information to the president on the EO's performance in advance of this meeting.

## **Board Staff**

*(DCA Reference Manual)*

Employees of the board, with the exception of the executive officer, are civil service employees. Their employment, pay, benefits, discipline, termination, and conditions of employment are governed by a myriad of civil service laws and regulations and often by collective bargaining labor agreements. Because of this complexity, it is most appropriate that the board delegate all authority and responsibility for management of the civil service staff to the executive officer. Board members shall not intervene or become involved in specific day-to-day personnel transactions.

## **Board Administration**

*(DCA Reference Manual)*

Board members should be concerned primarily with formulating decisions on board policies rather than decisions concerning the means for carrying out a specific course of action. It is inappropriate for board members to become involved in the details of program delivery. Strategies for the day-to-day management of programs and staff shall be the responsibility of the executive officer.

## **Contact with Licensees and Applicants**

*(Board Policy)*

Board members shall not intervene on behalf of applicants and licensees. They should forward all contacts or inquiries to the EO or board staff.

## **Contact with Respondents**

*(DCA Reference Manual)*

Board members should not directly participate in complaint handling and resolution or investigations. To do so would subject the board member to disqualification in any future disciplinary action against the licensee. If a board member is contacted by a respondent or his/her attorney, the board member should refer the individual to the EO or board staff.

## **Service of Legal Documents**

*(Board Policy)*

If a board member is personally served as a party in any legal proceeding related to his or her capacity as board member, he or she must contact the EO immediately.

## **Gifts from Licensees or Applicants**

*(Board Policy)*

Gifts of any kind to board members or staff from any licensee or applicant with the board are not permitted.

## **Conflict of Interest**

*(Government Code Section 87100)*

No board member may make, participate in making or in any way attempt to use his or her official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest. Any board member who has a financial interest, shall disqualify himself/herself from making or attempting to use his/her official position to influence the decision. Any board member who feels he or she is entering into a situation where there is a potential for a conflict of interest should immediately consult the board president or the EO.

Government Code Section 87100 is attached as Appendix D.

*(Board Policy)*

A board member who feels he or she has a potential conflict of interest in a specific case or issue should make his or her position known when the matter is discussed publicly (e.g., during a board meeting or Compliance Committee meeting). Further the member should reinforce this position by physically leaving the room until the discussion regarding the matter is concluded.

## **Ethics Course**

*(Government Code Sections 11146-11146.4)*

Each board member must complete a course on ethics offered through the department. Upon appointment to the board, a new board member must complete the course within six months. All members must retake the course every two years. Records concerning the attendance of this course must be kept on file for five years.

Government Code Sections 11146-11146.4 is provided in Appendix D.

## **The Honoraria Prohibition**

*(Government Code Section 89503)*

As a general rule, members of the board should decline honoraria for speaking at, or otherwise participating in, professional association conferences and meetings. A member of a state board is precluded from accepting an honorarium from any source, if the member would be required to report the receipt of income or gifts from that source on his or her statement of economic interest.

Under the Department of Consumer Affairs Conflict of Interest Code, members of the Board of Pharmacy are required to report income from, among other entities, pharmaceutical professional associations and continuing education providers. Therefore, a board member

should decline all offers for honoraria for speaking or appearing before such entities.

There are limited exceptions to the honoraria prohibition. The acceptance of an honorarium is not prohibited under the following circumstances: (1) when a honorarium is returned to the donor (unused) within 30 days; (2) when an honorarium is delivered to the State Controller within thirty days for donation to the General Fund (for which a tax deduction is not claimed); and (3) when an honorarium is not delivered to the board member, but is donated directly to a bona fide charitable, educational, civic, religious, or similar tax exempt, non-profit organization.

In light of this prohibition, members should report all offers of honoraria to the president so that he or she, in consultation with the EO and staff counsel, may determine whether the potential for conflict of interest exists.

Government Code Section 89503 is provided in Appendix D.

### **Serving as an Expert Witness**

During their tenure on the board, members should refrain from acting as pharmaceutical expert witnesses in civil or criminal court cases. The reasons for this prohibition are twofold.

In the first place, acting as an expert witness for compensation would probably constitute a violation of the Standards of Ethical Conduct for gubernatorial appointees. The first ethical standard precludes a gubernatorial appointee from engaging in activity, which has the appearance of using the prestige of the state for the appointee's private gain or advantage. A professional member of the board would be in high demand as an expert witness in litigation relating to pharmacy, simply because of his or her status as a board member. Consequently, the member would likely receive more engagements as an expert witness than if he or she were not a member of the board. As such, serving as an expert witness would have the appearance of using the prestige of board-membership for private gain. Parenthetically, although the Governor's ethical standards are addressed to the conduct of gubernatorial appointees, all members of the board should be in compliance.

More importantly, acting as an expert witness would jeopardize a board member's ability to participate in the deliberation and resolution of disciplinary actions before the board. As an expert witness in a civil or criminal action against a pharmacist, a board member would be required to learn all the facts of the case at issue. If the pharmacist who is a party to the civil or criminal comes before the board in a disciplinary action, the board member who served as expert witness would be required to recuse himself or herself because of considerable *ex parte* knowledge of the case.

### **Request for Grants**

All requests for funding/contributions to board projects shall be approved by the board president. Requests for such grants must be made by the EO at the president's direction.

If a board member makes an individual request, a copy of the request shall be forwarded to the EO as soon as possible.

The mechanism for receipt, management, dispersal of funds shall be pre-arranged and approved by the board.

Enforcement activities are essential for the board to meet its consumer protection mandate. The enforcement program uses a combination of education, communication and enforcement sanctions to achieve compliance with federal and state pharmacy laws. Where voluntary compliance and education are not enough, the board inspects, mediates, admonishes, cites and fines and pursues formal disciplinary action.

When the board receives a complaint or uncovers a potential violation of the law through its own efforts, the matter is investigated by staff. Investigations in the field are carried out by the board's inspectors, a statewide-dispersed group of pharmacists who are employees of the board. Some consumer complaints are mediated in the board's office by specially trained consumer services staff, who are not pharmacists, but whose work is reviewed by a pharmacist (a supervising inspector).

During a routine inspection or investigation (which is conducted by a board pharmacist-inspector), if it is believed that a violation of pharmacy law took place, the licensee may be advised of the alleged violation by an "Order of Correction," a written document directing the licensee to comply with pharmacy law within 30 days by submitting a corrective action plan to the inspector. This process simply notifies the licensee of the violations of law that the inspector believes have occurred. This notification may not be the board's final or formal determination regarding the matter depending on the seriousness of the alleged violations. A correction order is not a citation nor is it a disciplinary action.

At this time, the licensee is provided an opportunity to provide a written response to the alleged violation. In the written response, the licensee may address the specifics of the violation, as well as provide any mitigation information that the licensee wishes to have included in any investigation report and/or a corrective action plan.

If the "Order of Correction" is for minor violations, and the inspector is satisfied with the pharmacy's compliance, the "Order of Correction" may be the only action taken. If this is the case and the pharmacy doesn't contest the order, then the licensee must maintain in the pharmacy premises a copy of the order of correction and corrective action plan for at least three years from the date the order was issued.

After the inspection or investigation is completed and the inspector makes a determination that the law has been violated, the case is referred to a supervising inspector for review. If the supervising inspector determines that there was no violation or that the violation was so minor that the only action to take would be the issuance of the "Order of Correction," then the case may be closed and the matter goes no further.

If, after review by the supervising inspector, it is determined that action may be warranted, the case is referred to the executive officer. The executive officer, with the assistance of the supervising inspector, reviews the matter and determines the appropriate course of action. In making this determination, the following factors may be taken in consideration:

- Gravity of the violation.
- Good or bad faith of the cited person or entity.
- History of previous violations.
- Evidence that the violations were or were not willful.
- Recognition by the licensee of his/her wrongdoing and demonstration of corrective action to prevent recurrence, e.g., new policies and procedures, protocol, hiring of additional staff, etc.

- Extent to which the cited person or entity has cooperated with the board's investigation and other law enforcement or regulatory agencies.
- Extent to which the cited person or entity has mitigated or attempted to mitigate any damage or injury caused by the violation.
- If the violation involves multiple licensees, the relative degree of culpability of each licensee is considered. In the case where a staff pharmacist may have failed to consult, the pharmacist-in-charge and the pharmacy may also be issued a citation and fine, if warranted by the circumstances.
- Any other relevant matters that may be appropriate to consider.

The type of potential action include:

#### **Further Investigation**

The executive officer may decide that there is insufficient evidence to determine if a violation occurred or if any action is warranted. The executive officer may then send the matter back for further investigation.

#### **Case Closure – No Further Action**

The executive officer may decide that no action is now warranted. This may occur when the executive officer determines that there was no violation, that the violation was so minor as to not merit an action, or that the mitigating circumstances were such that it would be best not to pursue an action. The matter will then not be taken any further. (The final resolution would be the "Order of Correction".)

#### **Letter of Admonishment**

The executive officer may decide to issue a letter of admonishment. This may occur when the executive officer determines that there was a minor violation, or a violation that mitigating circumstances were such that a letter of admonishment was appropriate. The licensee would be directed to come into compliance within 30 days by submitting a corrective action plan to the executive officer documenting compliance, or the licensee can contest the letter of admonishment to the executive office for an office conference. If an office conference is not requested, compliance with the letter of admonishment does not constitute an admission of the violation noted in the letter of admonishment. The licensee must maintain in the licensed premises a copy of the letter of admonishment and corrective action plan for at least three years from the date the letter was issued. The letter of admonishment is considered a public record for purposes of disclosure.

#### **Citation and Fine**

The executive officer may issue a citation, with or without a fine. The citation will be issued to the licensee and will include a reference to the statute or regulation violated. It will also include a description of the nature and facts of the violation, as well as a notice to the licensee of the appeal rights. It may or may not include an order of abatement either requesting documentation of the licensee's compliance, or directing the licensee to come into compliance and specifying how that must be done.

#### **Disciplinary Action**

The executive officer may determine that the violation is substantial and warrants discipline of the license. The matter is then referred to the Attorney General's Office, where, if appropriate to do so, an accusation is prepared, which identifies the alleged violations of pharmacy law. Disciplinary penalties include interim suspension orders, license revocation, voluntary license surrender, suspension and probation.

# APPENDIX A

## Board and Committee Member Travel Guide

Reimbursement rates, methods of travel, and the documentation required for reimbursement are explained in the following guidelines for Board and Committee Members who are required to travel on official state business.

### Time Reporting

A 24-hour clock or military time should be used on all Travel Expense Claims (TEC), Std. form 262. For example:

12:01 AM	0001	3:00 PM	1500
5:30 AM	0530	5:30 PM	1730
7:21 AM	0721	10:00 PM	2200
11:00 AM	1100	12:30 PM	1230

### Accountability/Claim Requirements

Each item of travel expense claimed in the amount of \$25 or more requires an original receipt. Parking expenses require an original receipt if over \$10. Original receipts for airline tickets and car rentals must be attached. Meals, incidentals and lodging are to be listed in the appropriate column on Travel Expense Claim (TEC). Although staff may complete the TEC for you, do not sign blank claim forms. The use of correction tape is unacceptable on TEC's. Line through corrections and initial changes.

### In-State Reimbursement Rates

You will be reimbursed for actual costs up to the maximum reimbursement for each meal, incidental, and lodging expense incurred while on travel status.

Meals and Incidentals	Reimbursement
Breakfast	Up to \$ 6.00
Lunch	Up to 10.00
Dinner	Up to 18.00
Incidental	Up to 6.00

Lodging	Reimbursement
Actual lodging cost with substantiating itemized receipt up to maximum of.....	\$84 plus taxes on the entire cost of the lodging rate.
Los Angeles and San Francisco Counties.....	\$110 plus taxes on the entire cost of the lodging rate.

ALL NON-COMMERCIAL TRAVEL REIMBURSEMENT IS ABOLISHED. Employees who stay with friends or relatives, or who do not produce a receipt for commercial lodging, will be eligible to claim meals only.

*You may not claim lodging within 50 miles of your primary residence. You must be on travel status to claim reimbursement.*

## 24-hours of Travel or More

On the first day of travel of 24 hours or more:

Timeframe	Meal Reimbursement
Begins before or at 6:00 a.m.	Breakfast
Begins before or at 11:00 a.m.	Lunch
Begins before or at 5:00 p.m.	Dinner

On the last fractional day of travel of more than 24 hours:

Timeframe	Meal Reimbursement
Ends at or after 8 a.m.	Breakfast
Ends at or after 2 p.m.	Lunch
Ends at or after 7 p.m.	Dinner

## One Day Travel *(Less than 24 hours/Over 100 miles round trip)*

Timeframe	Meal Reimbursement
Begins at or before 6 a.m. and ends at or after 9 a.m.	Breakfast
Please refer to Note below	Lunch
Begins at or before 4 p.m. and ends at or after 7 p.m.	Dinner
If required and pre-approved, with receipt	Lodging

**NOTE: Board and Committee members are entitled to lunch ONLY when attending Board or Committee meetings (does not need to be over 100 miles).**

## Incidental Reimbursement

Includes expenses for personal items, personal telephone calls, personal porter fees, etc. Reimbursement is allowed only for a FULL 24 hours of travel. For example, if you leave at 1900 and return at 1850 the following day, you DO NOT qualify for the incidental reimbursement.

## Commercial Car Rental Information

Board and Committee members cannot use contract rates for personal business.

Reservations should be made at least 24 hours in advance. To guarantee the contract rate when making reservations directly with the car rental agency, the Board or Committee member must identify that he or she is a State government employee and show their General Services (GSA) card when picking up the rental car. (i.e., Vendor must give contract rate to employee with GSA card.)

Car rental reservations can also be made through your travel agency. To guarantee contract rate, General Services card must still be shown when picking up the rental car.

Board and Committee members using larger and/or luxury class vehicles without substantiation of the need will be required to pay the additional costs for the rental.

NOTE: Loss Damage Waiver (LDW) is included in the daily rate when renting a vehicle from a contract company. However, insurance for collision (collision damage waiver) and medical insurance (personal accident insurance) obtained when renting a commercial automobile are not reimbursable by the State.

***It is not acceptable to extend retail agreements for personal use and pay the difference for those days the vehicle was used on personal business. If you wish to extend the rental of a vehicle for personal business, make arrangements with the contract vendor to have the rental agreement for state business closed out at the end of your state business. Have a new rental agreement drawn up for your personal business.***

## Airline Travel

Be prepared to provide the following information when making reservations through the travel agency:

- Your name/name of traveler
- The board/committee name
- General Services Account number
- Departure date
- Origin and destination cities
- Preferred departure and arrival time
- Date, time, and place for ticket delivery
- Special requests (i.e., seating, meals, hotel, non-smoking room, rental car, ticketless)

PREMIUMS OR PROMOTIONAL PRIZES, SUCH AS SAVINGS BONDS AND FREQUENT FLYER COUPONS ARE THE PROPERTY OF THE STATE AND MUST BE SURRENDERED.

Return any unused airline tickets to the board office for credit refund.

***If your American Express Corporate card is lost or stolen, you must call 1-800-528-2122 or 1-800-92203404 to file a report. You must also report the loss to the board office.***

# APPENDIX B

BOARD OF PHARMACY  
TRAVEL EXPENSE REPORT

Name \_\_\_\_\_

SSN # \_\_\_\_\_

License Plate # \_\_\_\_\_

Purpose of Trip \_\_\_\_\_

Location Where Expenses Were Incurred \_\_\_\_\_

TRAVEL

MONTH/YEAR	DAY	DAY	DAY	DAY	DAY
HOUR TRIP BEGAN					
HOUR TRIP ENDED					
MEALS: Breakfast (Max. \$6.00)					
Lunch (Max. \$10.00)					
Dinner (Max. \$18.00)					
INCIDENTALS (\$6.00 per day)					
LODGING					
TRANSPORTATION:					
TYPE USED*					
MILEAGE (\$.31)					
TOLLS					
PARKING					
TAXI					
BUSINESS EXPENSE					

Note: Receipts are required for the following: Lodging, Air Transportation, Rental Car, Taxi, Business Expense, and Parking (if charge exceeds \$10.00). Please submit these receipts with your travel claim work sheet. Please keep meal receipts for your records.

\* A = Air; PC = Private Car; RC = Rental Car

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### INSTRUCTIONS

Expense accounts are to be submitted at least once a month and not more often than twice a month, except where the amount claimed is less than \$10, the claim need not be submitted until it exceeds \$10 or until June 30, whichever occurs first. Requests for reimbursement of out-of-state travel expenses must be claimed separately. Requests for reimbursement of travel expenses which are incurred in different fiscal years must be claimed separately. A brief statement, one line if possible, of the purpose or objective, of the trip must be entered on the line immediately below the last entry for each trip. If the claim is for several trips for the same purpose or objective, one statement will suffice for those trips. Vouchers which are required in support of various expenses must be arranged in chronological order and attached to the claim. Each voucher must show the date, cost, and nature of the expense.

**MULTIPLE PAGES**--If your claim is more than one page, indicate page number and total number of pages. DO NOT total each page. Use subtotals and enter the total amount of the claim on the last page of the claim in the space for "TOTALS" and "CLAIM TOTAL."

### COLUMN ENTRIES

- (1) MONTH/YEAR--Enter numerical designation of month and last two digits of the year in which the first expenses shown on the form were incurred.
- (2) DATE/TIME--Enter date and time of departure on the appropriate line using twenty-four-hour clock (example: 1700 = 5:00 p.m.). Show time of departure on date of departure, show time of return on the date of return. If departure and return are on the same date, enter departure time above and return time below on the same line. Where the first date shown is a continuation of trip, enter "Continuing" above that date, and where a trip is continuing beyond the last date shown, write "Continuing" after the last date.
- (3) LOCATIONS WHERE EXPENSES WERE INCURRED--Enter the name of the city, town, or location where expenses were incurred. Abbreviations may be used.
- (4) LODGING--Enter the actual cost of the lodging not to exceed the maximum amount authorized by current Department of Personnel Administration (DPA) regulations, bargaining agreements and detailed in the State Administrative Manual (SAM) Sections 0721 to 0724. A receipt is required for any expenditure of \$25 or more.
- (5) MEALS--Enter the actual cost of each meal not to exceed the maximum amount for each meal as authorized by current DPA regulations, bargaining agreements and detailed in SAM Sections 0761 to 0763. Dinner column is to be used to claim dinner on regular travel, overtime meals, and long term, noncommercial and relocation daily meal expenses.  
  
OVERTIME MEAL AND BUSINESS RELATED MEAL--Enter the actual cost of the meal not to exceed the maximum amount authorized by current DPA regulations, and bargaining agreements. Refer to DPA Management Memos for receipt requirements.
- (6) INCIDENTALS--Enter the total actual cost of incidentals not to exceed the maximum amount authorized by current DPA regulations and agreements.
- (7) TRANSPORTATION--Purchase the least expensive round-trip or special rate ticket available. Otherwise the difference will be deducted from the claim. If you travel between the same points without using round-trip tickets, an explanation should be given.
  - (A) COST OF TRANSPORTATION--Enter the cost of cash purchase of transportation. Show how transportation was obtained if fare was not purchased for cash. Use "CC" for credit card and "C" for cash. If transportation was paid by the State, enter method of payment only. Use "SCC" for State credit card, "TO" for ticket order or "BSA" for billed to State agency. Attach all passenger coupons and ticket order stubs including the unused portion of tickets, other credit documents or premiums, where credits or refunds are due to the State.
  - (B) TYPE OF TRANSPORTATION USED--Enter method of transportation used. Use "R" for railway, "B" for bus, airporter, light rail, or BART, "A" for scheduled commercial airline, "RA" for rental aircraft, "DA" for department-owned aircraft, "PA" for privately owned aircraft, "PC" for privately owned car, truck or other privately owned vehicles, "SV" for specially equipped vehicle for the handicapped, "SC" for State vehicles, "RC" for rental vehicles, "T" for taxi, and "BI" for bicycle. Supervisors shall not authorize the use of motorcycles on official State business, and no reimbursement will be allowed for motorcycles.
- (C) CAR FARE, TOLLS, AND PARKING--Enter carfare, bridge tolls, and parking charges; attach a voucher for any parking charge in excess of \$6.00 for any one continuous period of parking.
- (D) PRIVATE CAR USE--Enter number of miles traveled and amount due for mileage for the use of privately owned automobiles as authorized by current agreements, regulations, and detailed in SAM Section 0754.
- (8) BUSINESS EXPENSE--Claims for phone calls must include the place and party called. If charge exceeds \$2.50, support by vouchers or other evidence. Emergency purchases of equipment, clothing or supplies, travel expenses of inmates, wards, or patients of institutions, and all other charges in excess of \$1.00 require receipts and an explanation.
- (9) ENTER TOTAL EXPENSES FOR DAY
- (10) ENTER SUBTOTALS OR TOTALS
- (11) PURPOSE OF TRIP, REMARKS OR DETAILS--Explain need for travel and any unusual expenses. Enter detail or explanation of items in other columns, if necessary. Vouchers must be provided for any miscellaneous item of expense.
- (12) NORMAL WORK HOURS--Enter your beginning and ending normal work hours using twenty-four-hour clock (example: 0800 = 8:00 a.m.).
- (13) PRIVATE VEHICLE LICENSE NUMBER--Enter license number of the privately owned vehicle used on official State business. To claim reimbursement, you must have met the requirements as prescribed by SAM Sections 0751, 0752 and 0753 pertaining to operator requirements, vehicle safety, seat belt usage and authorization.
- (14) MILEAGE RATE CLAIMED--Enter the rate of reimbursement being claimed for private vehicle use.
- (15) CLAIMANT'S CERTIFICATION AND SIGNATURE--Your signature certifies that expenses claimed were actually incurred and that the cost of operating the is at or above the rate claimed.
- (16) SIGNATURE OF OFFICER APPROVING PAYMENT--Certifies and authorizes travel; approves expenses as incurred on State business.
- (17) SIGNATURE OF AUTHORITY FOR SPECIAL EXPENSES--When a claim for conference or convention expense under Section 599.635 of the DPA regulations and detailed in SAM Section 0724 is included, or when reimbursement of a business expense exceeds \$25.00 or when reimbursement for Bar dues or license fees is included, the signature of the approving officer is required, either on a separate document attached to this claim or by signature in this block.

### \* PRIVACY STATEMENT

The Information Practices Act of 1977 (Civil Code Section 1798.17) and the Federal Privacy Act (Public Law 93-579) require that the following notice be provided when collecting personal information from individuals.

AGENCY NAME: Appointing powers and the State Controller's Office (SCO).

UNITS RESPONSIBLE FOR MAINTENANCE: The accounting office within each appointing power and the Audits Division, SCO, 3301 C Street, Room 404, Sacramento, CA 95816.

AUTHORITY: The reimbursement of travel expenses is governed by Government Code Sections 19815.4(d), 19816, and 19820. These sections allow the Department of Personnel Administration (DPA) to establish rules and regulations which define the amount, time, and place that expenses and allowances may be paid to representatives of the State while on State business.

PURPOSE: The information you furnish will allow the above-named agencies to reimburse you for expenses you incur while on official State business.

OTHER INFORMATION: While your social security account number (SSAN) and home address are voluntary information under Civil Code Section 1798.17, the absence of this information may cause payment of your claim to be delayed or rejected. You should contact your department's Accounting Office to determine the necessity for this information.

C-3 (back)  
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# APPENDIX C

## BUSINESS AND PROFESSIONS CODE

### SECTION 103

Each member of a board, commission, or committee created in the various chapters of Division 2 (commencing with Section 500) and Division 3 (commencing with Section 5000), and in Chapter 2 (commencing with Section 18600) and Chapter 3 (commencing with Section 19000) of Division 8, shall receive the moneys specified in this section when authorized by the respective provisions.

Each such member shall receive a per diem of one hundred dollars (\$100) for each day actually spent in the discharge of official duties, and shall be reimbursed for traveling and other expenses necessarily incurred in the performance of official duties.

The payments in each instance shall be made only from the fund from which the expenses of the agency are paid and shall be subject to the availability of money.

Notwithstanding any other provision of law, no public officer or employee shall receive per diem salary compensation for serving on those boards, commissions, committees, or the Consumer Advisory Council on any day when the officer or employee also received compensation for his or her regular public employment.

# Attendance Report

Board Member: \_\_\_\_\_ Month: \_\_\_\_\_

In the areas below, please report the **actual** time you spent attending meetings or performing board business.

MEETINGS ATTENDED	DATE	HOURS IN MEETINGS (do not include meal and/or travel times)	
		From:	To:
1.			
2.			
3.			
4.			
5.			

MAIL BALLOTS/TRANSCRIPTS REVIEWED	DATE	HOURS	MINUTES
1.			
2.			
3.			
4.			
5. Review of Transcript -- Case #			

PRE-MEETING PREPARATION (please list meeting)	DATE	HOURS	MINUTES
1.			
2.			
3.			
4.			
5. Reviewing Board Packet			

You will be paid in eight-hour increments at the end of each month; any portion of hours remaining will be carried over into the next month.

*To the best of my knowledge and belief, the information stated above is accurate.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# APPENDIX D

CALIFORNIA CODES  
GOVERNMENT CODE  
SECTION 87100-87105

**87100.** No public official at any level of state or local **government** shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. ✓

**87100.1.** (a) A registered professional engineer or licensed land surveyor who renders professional services as a consultant to a state or local **government**, either directly or through a firm in which he or she is employed or is a principal, does not have a financial interest in a governmental decision pursuant to Section **87100** where the consultant renders professional engineering or land surveying services independently of the control and direction of the public agency and does not exercise public agency decisionmaking authority as a contract city or county engineer or surveyor.

(b) For purposes of this section, the consultant renders professional engineering or land surveying services independently of the control and direction of the public agency when the consultant is in responsible charge of the work pursuant to Section 6703 or 8703 of the Business and Professions **Code**.

(c) Subdivision (a) does not apply to that portion of the work that constitutes the recommendation of the actual formula to spread the costs of an assessment district's improvements if both of the following apply:

(1) The engineer has received income of two hundred fifty dollars (\$250) or more for professional services in connection with any parcel included in the benefit assessment district within 12 months prior to the creation of the district.

(2) The district includes other parcels in addition to those parcels for which the engineer received the income.

The recommendation of the actual formula does not include preliminary site studies, preliminary engineering, plans, specifications, estimates, compliance with environmental laws and regulations, or the collection of data and information, utilized in applying the formula.

**87101.** Section **87100** does not prevent any public official from making or participating in the making of a governmental decision to the extent his participation is legally required for the action or decision to be made. The fact that an official's vote is needed to break a tie does not make his participation legally required for purposes of this section. ✓

**87102.** The requirements of Section **87100** are in addition to the requirements of Articles 2 (commencing with Section 87200) and 3 (commencing with Section 87300) and any Conflict of Interest **Code** adopted thereunder. Except as provided in Section 87102.5, the remedies provided in Chapters 3 (commencing with Section 83100) and 11 (commencing with Section 91000) shall not be applicable to elected

state officers for violations or threatened violations of this article.

87102.5. (a) The remedies provided in Chapter 3 (commencing with Section 83100) shall apply to any Member of the Legislature who makes, participates in making, or in any way attempts to use his or her official position to influence any of the following governmental decisions in which he or she knows or has reason to know that he or she has a financial interest:

(1) Any state governmental decision, other than any action or decision before the Legislature, made in the course of his or her duties as a member.

(2) Approval, modification, or cancellation of any contract to which either house or a committee of the Legislature is a party.

(3) Introduction as a lead author of any legislation that the member knows or has reason to know is nongeneral legislation.

(4) Any vote in a legislative committee or subcommittee on what the member knows or has reason to know is nongeneral legislation.

(5) Any rollcall vote on the Senate or Assembly floor on an item which the member knows is nongeneral legislation.

(6) Any action or decision before the Legislature in which all of the following occur:

(A) The member has received any salary, wages, commissions, or similar earned income within the preceding 12 months from a lobbyist employer.

(B) The member knows or has reason to know the action or decision will have a direct and significant financial impact on the lobbyist employer.

(C) The action or decision will not have an impact on the public generally or a significant segment of the public in a similar manner.

(7) Any action or decision before the Legislature on legislation that the member knows or has reason to know will have a direct and significant financial impact on any person, distinguishable from its impact on the public generally or a significant segment of the public, from whom the member has received any compensation within the preceding 12 months for the purpose of appearing, agreeing to appear, or taking any other action on behalf of that person, before any local board or agency.

(b) For purposes of this section, all of the following apply:

(1) "Any action or decision before the Legislature" means any vote in a committee or subcommittee, or any rollcall vote on the floor of the Senate or Assembly.

(2) "Financial interest" means an interest as defined in Section 87103.

(3) "Legislation" means a bill, resolution, or constitutional amendment.

(4) "Nongeneral legislation" means legislation that is described in Section 87102.6 and is not of a general nature pursuant to Section 16 of Article IV of the Constitution.

(5) A Member of the Legislature has reason to know that an action or decision will have a direct and significant financial impact on a person with respect to which disqualification may be required pursuant to subdivision (a) if either of the following apply:

(A) With the knowledge of the member, the person has attempted to influence the vote of the member with respect to the action or decision.

(B) Facts have been brought to the member's personal attention indicating that the action or decision will have a direct and

significant impact on the person.

(6) The prohibitions specified in subdivision (a) do not apply to a vote on the Budget Bill as a whole, or to a vote on a consent calendar, a motion for reconsideration, a waiver of any legislative rule, or any purely procedural matter.

(7) A Member of the Legislature has reason to know that legislation is nongeneral legislation if facts have been brought to his or her personal attention indicating that it is nongeneral legislation.

(8) Written advice given to a Member of the Legislature regarding his or her duties under this section by the Legislative Counsel shall have the same effect as advice given by the commission pursuant to subdivision (b) of Section 83114 if both of the following apply:

(A) The member has made the same written request based on the same material facts to the commission for advice pursuant to Section 83114 as to his or her duties under this section, as the written request and facts presented to the Legislative Counsel.

(B) The commission has not provided written advice pursuant to the member's request prior to the time the member acts in good faith reliance on the advice of the Legislative Counsel.

87102.6. (a) "Nongeneral legislation" means legislation as to which both of the following apply:

(1) It is reasonably foreseeable that the legislation will have direct and significant financial impact on one or more identifiable persons, or one or more identifiable pieces of real property.

(2) It is not reasonably foreseeable that the legislation will have a similar impact on the public generally or on a significant segment of the public.

(b) For purposes of this section and Section 87102.5, all of the following apply:

(1) "Legislation" means a bill, resolution, or constitutional amendment.

(2) The term "public generally" includes an industry, trade, or profession.

(3) Any recognized subgroup or specialty of the industry, trade, or profession constitutes a significant segment of the public.

(4) A legislative district, county, city, or special district constitutes a significant segment of the public.

(5) More than a small number of persons or pieces of real property is a significant segment of public.

(6) Legislation, administrative action, or other governmental action impacts in a similar manner all members of the public, or all members of a significant segment of the public, on which it has a direct financial effect, whether or not the financial effect on individual members of the public or the significant segment of the public is the same as the impact on the other members of the public or the significant segment of the public.

(7) The Budget Bill as a whole is not nongeneral legislation.

(8) Legislation that contains at least one provision that constitutes nongeneral legislation is nongeneral legislation, even if the legislation also contains other provisions that are general and do not constitute nongeneral legislation.

87102.8. (a) No elected state officer, as defined in subdivision (f) of Section 14 of Article V of the California Constitution, shall

make or participate in the making of, or use his or her official position to influence, any governmental decision before the agency in which the elected state officer serves, where he or she knows or has reason to know that he or she has a financial interest.

(b) An elected state officer knows or has reason to know that he or she has a financial interest in any action by, or a decision before the agency in which he or she serves where either of the following occur:

(1) The action or decision will have a direct and significant financial impact on a lobbyist employer from which the officer has received any salary, wages, commissions, or similar earned income within the preceding 12 months and the action or decision will not have an impact on the public generally or a significant segment of the public in a similar manner.

(2) The action or decision will have a direct and significant financial impact on any person, distinguishable from its impact on the public generally or a significant segment of the public, from whom the officer has received any compensation within the preceding 12 months for the purpose of appearing, agreeing to appear, or taking any other action on behalf of that person, before any local board or agency.

(c) The definitions of "public generally" and "significant segment of the public" contained in Section 87102.6 shall apply to this section.

(d) Notwithstanding Section 87102, the remedies provided in Chapter 3 (commencing with Section 83100) shall apply to violations of this section.

87103. A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or on any of the following:

(a) Any business entity in which the public official has a direct or indirect investment worth two thousand dollars (\$2,000) or more.

(b) Any real property in which the public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more.

(c) Any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided or promised to, received by, the public official within 12 months prior to the time when the decision is made.

(d) Any business entity in which the public official is a director, officer, partner, trustee, employee, or holds any position of management.

(e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made. The amount of the value of gifts specified by this subdivision shall be adjusted biennially by the commission to equal the same amount determined by the commission pursuant to subdivision (f) of Section 89503.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a public official, by an agent on behalf of a public



official, or by a business entity or trust in which the official, the official's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

87103.5. (a) Notwithstanding subdivision (c) of Section 87103, a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not a source of income to an official who owns a 10-percent or greater interest in the entity if the retail customers of the business entity constitute a significant segment of the public generally, and the amount of income received by the business entity from the customer is not distinguishable from the amount of income received from its other retail customers.

(b) Notwithstanding subdivision (c) of Section 87103, in a jurisdiction with a population of 10,000 or less which is located in a county with 350 or fewer retail businesses, a retail customer of a business entity engaged in retail sales of goods or services to the public generally is not a source of income to an official of that jurisdiction who owns a 10-percent or greater interest in the entity, if the retail customers of the business entity constitute a significant segment of the public generally, and the amount of income received by the business entity from the customer does not exceed one percent of the gross sales revenues that the business entity earned during the 12 months prior to the time the decision is made.

(c) For the purposes of subdivision (b):

(1) Population in a jurisdiction shall be established by the United States Census.

(2) The number of retail businesses in a county shall be established by the previous quarter's Covered Employment and Wages Report (ES-202) of the Labor Market Information Division of the California Employment Development Department.

87103.6. Notwithstanding subdivision (c) of Section 87103, any person who makes a payment to a state agency or local **government** agency to defray the estimated reasonable costs to process any application, approval, or any other action, including but not limited to, holding public hearings and evaluating or preparing any report or document, shall not by reason of the payments be a source of income to a person who is retained or employed by the agency.

87104. (a) No public official of a state agency shall, for compensation, act as an agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance before, or by making any oral or written communication to, his or her state agency or any officer or employee thereof, if the appearance or communication is made for the purpose of influencing action on a contract, grant, loan, license, permit, or other entitlement for use.

(b) For purposes of this section, a "public official" is any person defined in Section 82048, and every member of any advisory committee of a state agency, whether the committee is created by statute or otherwise.

87104. (a) No public official of a state agency shall, for compensation, act as an agent or attorney for, or otherwise represent, any other person by making any formal or informal appearance before, or any oral or written communication to, his or her state agency or any officer or employee thereof, if the appearance or communication is for the purpose of influencing a decision on a contract, grant, loan, license, permit, or other entitlement for use.

(b) For purposes of this section, "public official" includes a member, officer, employee, or consultant of an advisory body to a state agency, whether the advisory body is created by statute or otherwise, except when the public official is representing his or her employing state, local, or federal agency in an appearance before, or communication to, the advisory body.

87105. (a) A public official who holds an office specified in Section 87200 who has a financial interest in a decision within the meaning of Section 87100 shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

(1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

(2) Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Section 87100.

(3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

(4) Notwithstanding paragraph (3), a public official described in subdivision (a) may speak on the issue during the time that the general public speaks on the issue.

(b) This section does not apply to Members of the Legislature.

CALIFORNIA CODES  
GOVERNMENT CODE  
SECTION 11146-11146.4

**11146.** For purposes of this article, the following terms have the following meanings:

(a) "State agency" has the same meaning as set forth in Section 82049, but does not include the Legislature.

(b) "Filer" means each member, officer, or designated employee of a state agency who is required to file a statement of economic interests under either Article 2 (commencing with Section 87200) or Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 because of the position he or she holds with the agency.

**11146.1.** Each state agency shall offer at least semiannually to each of its filers an orientation course on the relevant ethics statutes and regulations that govern the official conduct of state officials.

**11146.2.** Each state agency shall maintain records indicating the specific attendees, each attendee's job title, and dates of their attendance for each orientation course offered pursuant to Section **11146.1** for a period of not less than five years after each course is given. These records shall be public records subject to inspection and copying consistent with subdivision (a) of Section 81008 and otherwise subject to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

**11146.3.** Except as set forth in Section **11146.4**, each filer shall attend the orientation course required in Section **11146.1**, as follows:

(a) For a filer who holds a position with the agency on January 1, 2003, not later than December 31, 2003 and, thereafter, at least once during each consecutive period of two calendar years commencing on January 1, 2005.

(b) For a person who becomes a filer with the agency after January 1, 2003, within six months after he or she becomes a filer and at least once during each consecutive period of two calendar years commencing on the first odd-numbered year thereafter.

**11146.4.** (a) The requirements of Section **11146.3** shall not apply to filers with a state agency who have taken an equivalent ethics orientation course through another state agency or the Legislature within the time periods set forth in subdivision (a) or (b) of Section **11146.3**, as applicable.

(b) State agencies may jointly conduct and filers from more than one state agency may jointly attend an orientation course required by Section **11146.1**, as long as the course content is relevant to the official duties of the attending filers.

(c) Before conducting each orientation course required by Section

11146.1, state agencies shall consult with the Fair Political Practices Commission and the Attorney General regarding appropriate course content.

CALIFORNIA CODES  
GOVERNMENT CODE  
SECTION 89503

**89503.** (a) No elected state officer, elected officer of a local **government** agency, or other individual specified in Section 87200 shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250).

(b) (1) No candidate for elective state office, for judicial office, or for elective office in a local **government** agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250). A person shall be deemed a candidate for purposes of this subdivision when the person has filed a statement of organization as a committee for election to a state or local office, a declaration of intent, or a declaration of candidacy, whichever occurs first. A person shall not be deemed a candidate for purposes of this subdivision after he or she is sworn into the elective office, or, if the person lost the election, after the person has terminated his or her campaign statement filing obligations for that office pursuant to Section 84214 or after certification of the election results, whichever is earlier.

(2) Paragraph (1) shall not apply to any person who is a candidate as described in paragraph (1) for judicial office on or before December 31, 1996.

(c) No member of a state board or commission or designated employee of a state or local **government** agency shall accept gifts from any single source in any calendar year with a total value of more than two hundred fifty dollars (\$250) if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(d) This section shall not apply to a person in his or her capacity as judge. This section shall not apply to a person in his or her capacity as a part-time member of the governing board of any public institution of higher education unless that position is an elective office.

(e) This section shall not prohibit or limit the following:

(1) Payments, advances, or reimbursements for travel and related lodging and subsistence permitted by Section 89506.

(2) Wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

(f) Beginning on January 1, 1993, the commission shall adjust the gift limitation in this section on January 1 of each odd-numbered year to reflect changes in the Consumer Price Index, rounded to the nearest ten dollars (\$10).

(g) The limitations in this section are in addition to the limitations on gifts in Section 86203.

# Attachment 4

*Award Certificate to Pharmacists  
Who Have Been Licensed for 50  
Years*



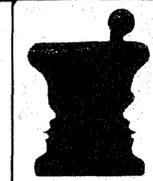
*50  
Years  
Of  
Service*

*Presented to:*

*John Jones Doe*

*The California State Board of Pharmacy  
recognizes and commends you for your  
50 years of service as a registered  
pharmacist. Congratulations and thank  
you for your important role in providing  
health care and caring for patients over  
your career.*

*Executive Officer*



*Board President*

# Attachment 5

*California Performance Review*

# LITTLE HOOVER COMMISSION

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## AGENDA

### Public Hearing on Principles of Reorganization

Wednesday, January 26, 2005 at 9 a.m.

Secretary of State Building, 1500 11th Street, 1st Floor Auditorium  
Sacramento

#### *Public Hearing: 9 a.m.*

#### *Agency and Department Representatives*

1. Fred Aguiar, Secretary, State and Consumer Services Agency
2. Lucinda "Cindy" Ehnes, Director, Department of Managed Health Care, Business, Transportation and Housing Agency
3. Terri Delgadillo, Deputy Secretary of Programs and Fiscal Affairs, Health and Human Services Agency representing S. Kimberly Belshé, Secretary, Health and Human Services Agency
4. Victoria Bradshaw, Secretary, Labor and Workforce Development Agency

#### *Invited Respondents*

5. Julianne D'Angelo Fellmeth, Director, Center for Public Interest Law
6. Elizabeth M. Imholz, Director, West Coast Regional Office, Consumers Union
7. Edward H. O'Neil, Director, Center for the Health Professions
8. Deborah Burger, President, California Nurses Association
9. John (Jack) C. Lewin, M.D. Executive Vice President and Chief Executive Officer, California Medical Association
10. Peter Abbott, M.D., President, California Public Health Association North and Treasurer, California State Rural Health Association
11. Ron Blaul, Member, California Commission on Emergency Medical Services and Battalion Chief, Orange County Fire Authority
12. D. Paul Regan, Chair, California Society of Certified Public Accountants
13. Betsey Olenick Dougherty, Former President, American Institute of Architects, California Council
14. Robert L. Balgenorth, President, State Building and Construction Trades Council of California, AFL-CIO  
Supplemental testimony submitted by Mr. Balgenorth
15. Jack M. Stewart, President, California Manufacturers & Technology Association
16. Art Pulaski, Executive Secretary-Treasurer, California Labor Federation
17. Julianne A. Broyles, Director, Employee Relations and Small Business, California Chamber of Commerce

#### **Business Meeting Agenda**

(The Commission will consider agenda items I-VI at approximately noon. The precise time will vary depending upon the testimony of witnesses and will be determined at the discretion of the chair.)

- I. Little Hoover Commission 2003-2004 Biennial Report
- II. Business Meeting Minutes from December 8, 2004
- III. Schedule/Project Selection



GOVERNOR ARNOLD SCHWARZENEGGER

February 17, 2005

Mr. Michael E. Alpert  
Chairman  
Little Hoover Commission  
925 L. Street, Suite 805  
Sacramento, California 95814

Dear Chairman Alpert,

On Thursday, January 6, 2005, I submitted Governor's Reorganization Plan 1 for the Commission's review. Based on written and oral testimony submitted at your hearings held on Wednesday, January 26<sup>th</sup>, and again on Friday, January 28<sup>th</sup>, I have concluded that this proposal will benefit from further review.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Arnold Schwarzenegger". The signature is stylized and cursive.

Arnold Schwarzenegger

/cab

cc: Mr. Stanley R. Zax, Vice-Chairman  
Mr. David J. Epstein  
Honorable Liz Figueroa  
Honorable Mike Gordon  
Mr. Daniel W. Hancock  
Mr. Welton C. Mansfield  
Mr. Eugene Mitchell  
Mr. Stuart G. Moldaw  
Honorable Charles S. Poochigian  
Ms. Leslie Ray  
Mr. Joseph Rodota  
Mr. James P. Mayer, Executive Director

# Attachment 6

*Board of Pharmacy's Fund  
Condition*

# 0767 - State Board of Pharmacy Analysis of Fund Condition

(Dollars in Thousands)

	ACTUAL 2003-04	2004-05	2005-06	2006-07
<b>BEGINNING BALANCE</b>	\$ 4,402	\$ 4,874	\$ 2,757	\$ 3,544
Prior Year Adjustment	\$ 385	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 4,787	\$ 4,874	\$ 2,757	\$ 3,544
 <b>REVENUES AND TRANSFERS</b>				
Revenues:				
125600 Other regulatory fees (REVISED)	\$ 917	\$ 250	\$ 250	\$ 250
125700 Other regulatory licenses and permits	\$ 1,486	\$ 1,418	\$ 1,291	\$ 1,291
125800 Renewal fees	\$ 4,086	\$ 3,838	\$ 3,928	\$ 3,928
125900 Delinquent fees	\$ 69	\$ 60	\$ 58	\$ 58
131700 Misc. revenue from local agencies	\$ 7	\$ -	\$ -	\$ -
141200 Sales of documents	\$ 9	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 70	\$ 57	\$ 15	\$ 19
150500 Interest Income From Interfund Loans	\$ -	\$ -	\$ 227	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 4	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ 3	\$ -	\$ -	\$ -
Totals, Revenues	\$ 6,651	\$ 5,623	\$ 5,769	\$ 5,546
Transfers from Other Funds	\$ -	\$ -	\$ 3,000	\$ -
Transfers to Other Funds				
T00001 GF loan per Item 1490-011-0767, BA of 2002	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 6,651	\$ 5,623	\$ 8,769	\$ 5,546
Totals, Resources	\$ 11,438	\$ 10,497	\$ 11,526	\$ 9,090
 <b>EXPENDITURES</b>				
Disbursements:				
1110 Program Expenditures (State Operations)	\$ 6,564	\$ 7,740	\$ 7,982	\$ 8,142
9670 Equity Claims / Board of Control (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 6,564	\$ 7,740	\$ 7,982	\$ 8,142
 <b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 4,874	\$ 2,757	\$ 3,544	\$ 948
 <b>Months in Reserve</b>	7.6	4.1	5.2	1.4

**NOTES:**

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED
- B. EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING FY 2006-07

# Attachment 7

*Board of Pharmacy Expenditures  
for Board Member Reimbursement  
and Travel*

Chart 1  
Board Member Reimbursement and Expenses  
2004/05

Board Member	Hours		Travel	
	Meeting	Other	Expense	Airfare
James E. Acevedo	8	0	\$0.00	\$0.00
Richard L. Benson	0	22	\$88.79	\$0.00
Ruth M. Conroy	16	0	\$1,900.28	\$1,289.30
David J. Fong	59	13	\$1,051.71	\$501.80
Stanley Goldenberg	76	54	\$1,575.73	\$759.00
Clarence Hiura	39	47	\$1,104.88	\$636.60
John D. Jones	32	14	\$1,101.52	\$466.90
William Powers	37	12	\$366.70	\$532.80
Kenneth H. Schell	16	0	\$734.39	\$894.80
John Tilley	16	0	\$0.00	\$95.60
Andrea Zinder	25	6	\$639.72	\$532.60
<b>Total</b>	<b>323</b>	<b>167</b>	<b>\$8,563.72</b>	<b>\$5,709.40</b>

Board member expenses paid from July 1, 2004 to March 31, 2004

# Attachment 8

*Personnel Update*

## Memorandum

To: Members, Board of Pharmacy

Date: April 16, 2005

From: Virginia Herold

Subject: Personnel Update

The board hired a new legislative coordinator in mid-January. Jan Perez began work at the board on January 10. Ms. Perez has done legislation for the Department of Forestry. The board selected Ms. Perez from a number of highly qualified candidates to fill this important position for the board.

Amber Crosby began work with the board in early February. She is a part-time receptionist, a much-needed position.

Tracy Brown recently began work again for the board in February. Ms. Brown is a former employee who will assist with miscellaneous clerical support duties and filing tasks.

Soriya Ly, an inspector for three years, resigned in mid March.

James Acevedo resigned from his board member position on January 28, 2005.

### **Vacancies:**

The board has two inspector positions vacant. The board has recruited for the inspector positions, but cannot find an applicant with the qualifications needed by the board. At the request the board, the Department of Consumer Affairs is conducting a new civil service examination for this classification. The final filing date for this examination was March 11, and the board advertised this position in the board's January 2005 *The Script*.

Interviews for placement on the eligibility list for hiring are scheduled for May, and new employees should be offered employment following interviews in June or July.

The board also has one inspector on parental leave who is due to return in July.

In March, Governor Schwarzenegger reappointed Board President Stan Goldenberg as a board member. He also appointed Marian Balay as a new public member.

The board itself has two public board member positions vacant; these positions were created January 1, 2004, and are Governor appointments.

# Attachment A

*Minutes of the Organizational  
Development Committee*

*April 12, 2005*



**California State Board of Pharmacy**

400 R Street, Suite 4070, Sacramento, CA 95814

Phone (916) 445-5014

Fax (916) 327-6308

www.pharmacy.ca.gov

STATE AND CONSUMERS AFFAIRS AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

ARNOLD SCHWARZENEGGER, GOVERNOR

**ORGANIZATIONAL DEVELOPMENT COMMITTEE**

**April 12, 2005**

**Meeting Summary (Not a Public Meeting)**

**Via Teleconference**

**Present:**     **John Tilley, Chairperson**  
                  **Stan Goldenberg, Member**  
                  **Patricia Harris, Executive Officer**  
                  **Virginia Herold, Assistant Executive Officer**

**Call to Order**

Chairperson Tilley called the meeting to order at 9:46 a.m.

**Status of Pending Legal Issues**

Patricia Harris updated the committee on the status of pending legal issues.

**Interns and Their Addresses of Record Being Online: Response to Petitions from Students Seeking Alternatives**

The committee discussed in detail a request that began at the October Board Meeting from a group of California pharmacy students who were concerned about their addresses of record being available online. In the case of the students, this address of record is most often their residence address, and the students expressed great concern about their safety from this information being available online.

The committee reviewed a legal opinion requested by the board during the January Board Meeting. The opinion concludes that licensees' addresses of record are public records that can be disclosed by the board. The board may post addresses online on its Web site. However, the board cannot withhold posting one group of licensees online unless it promulgates a regulation to treat that group differently.

The committee discussed the opinion, but declined to recommend that the board promulgate a regulation to exempt intern addresses from posting on the Web site. The committee considered several options offered to the students previously (using a PO box, using a group PO box, using the school's address). The committee asked staff to augment the information already provided to intern applicants notifying them that their address of record is public, and provide several options they can select as alternatives

to listing their home address. This information will be provided to schools and placed on the board's Web site as well. Also the board should ask the students to help publicize the options to use as their address of record.

### **Plans to Update the Board's 2005-06 Strategic Plan**

At the April Board Meeting, the board will review and adopt its strategic plan for 2005-06. The committee reviewed proposed edits to the front portions of the plan that needed modification. The committee approved these edits.

During the board meeting, the strategic objectives of each committee can be reviewed. The board's executive staff believes the current objectives are adequately structured to direct and report all board activities.

Next year, the board will conduct a major restructuring of its strategic plan.

Recommendation: The board adopt the proposed modifications to produce the 2005-06 strategic plan.

### **Update of the Board Member Procedure Manual**

The committee reviewed proposed updates to the *Board Member Procedure Manual*. This manual was developed about eight years ago to assist board members in their roles as Board of Pharmacy members.

Recommendation: Approve the revised *Board Member Procedure Manual*.

### **How the Board of Pharmacy Can Improve and Facilitate Communications with the Public and Its Licensees**

At the board's July meeting, Board President Goldenberg stated that one of the priorities for his term is to improve the communication of the board with its licensees and with the public. President Goldenberg stated that his goal is to obtain diverse opinions from as wide a cross section as possible on matters before the board for policy deliberations. To this end, each of the board's committees held a public meeting before the October Board Meeting with this topic listed as a discussion item.

President Goldenberg initiated some new activities before the October Board Meeting. These included invitations of pharmacy students and local pharmacist associations in the area where the meeting was held. There was a noticeable increase in the number of individuals at this board meeting.

The committee will continue to discuss ways to encourage attendance at board meetings.

President Goldenberg suggested the formation of a task force to develop informational materials about Part D of the new Medicare and Medicaid regulations. This is a significant change in prescription drug benefits and the board needs to develop materials for the public and licensees in this area. President Goldenberg suggested that this task force be a subcommittee of Communication and Public Education Committee, and invite a number of knowledgeable parties to share information in this setting.

Recommendation: form a task force to develop educational materials on Part D of the prescription drug benefit of Medicare and Medicaid.

### **Recognition of Pharmacists Who Have Been Licensed 50 Years**

The board wants to provide an award of achievement for pharmacists with careers in pharmacy of 50 or more years. The committee reviewed various certificate designs and selected one printed on gold paper with dark blue ink.

The committee finalized parameters for this award. The committee determined that pharmacists who have been licensed for 50 years will be mailed one of these certificates. This will occur quarterly. Moreover, the individuals will be invited to the next board meeting in their area, and publicly acknowledged. Also, their names will be published in *The Script*.

The committee declined to recommend inclusion of recognition to those with inactive licenses at this time.

### **Discussion: California Performance Review – A Proposal to Restructure State Government and its Proposal for the Board of Pharmacy**

Following the January Board Meeting, the Little Hoover Commission held public hearings on the Governor's proposal to restructure government by eliminating the boards in the Department of Consumer Affairs and consolidating their functions and staffs into the department.

Public hearings were held on January 25 and 27, 2005. On February 17, 2005, before the commission issued its recommendations, the Governor withdrew this reorganization plan.

The committee had no further discussion.

### **Budget Update and Report:**

#### **1. 2004/05 and Future Year Budgets**

The committee reviewed quarterly budget statistics for the board.

- **Revenue Projected: \$5,945,702**

The board's revenue for the year is expected to be comprised of \$5,346,813 in licensing fees and \$97,474 in interest. The revenue estimate projected from fees is conservative and traditionally is about 10 percent less than actual revenue will be.

The board has also collected \$369,018 in fines, and \$132,397 in cost recovery as of March 18, 2005.

- **Expenditures Projected: \$7,990,998**

The board's maximum expenditure authority for the year is \$7.99 million. Personnel is the largest expenditure: \$3,994,568 or 50 percent of the board's budget.

Ms. Herold stated that in the Governor's budget for 2004/05, the board received an augmentation for skyrocketing worker's compensation costs, AG Funding, and employee compensation since the last board meeting, bringing the total expenditure authority to \$7.99 million.

## **2. Board Fund Condition**

The committee reviewed a fund condition prepared several months ago. Chairperson Tilley expressed concern that during this fiscal year the board will spend nearly \$2 million more than it will collect in revenue.

Ms. Herold stated that the gap between revenue and expenditures will be funded from the board's fund (the board's "savings account"). The board's fund condition displays the amount of savings remaining at the end of each year. She added that the board will receive \$3,227,000 next fiscal year as partial repayment of the \$6 million transferred to the General fund several years ago. The \$227,000 is interest.

The board's fund condition over the next three years is:

- 2004-05: The board is projected to end this fiscal year with a reserve of 4.1 months of expenditures.
- 2005-06: The reserve is estimated at 5.3 months (after repayment of the \$3.2 million).
- 2006-07: A reserve of 1.4 months is projected.

## **3. CURES Support by Board – Additional Board Funding**

At the January 2005 Board Meeting and at the request of the Department of Justice, the board agreed to redirect an additional \$24,000 to fund CURES for 2004-05 at \$92,000.

During the discussion, the board asked for a more permanent resolution to potential future costs increases for this program.

Staff worked with the Department of Consumer Affairs' Budget Office to draft an amendment to Health and Safety Code section 11165 that would link any future increase in funding for CURES to an appropriation increase for the board. The proposed amendment has been referred to the Legislation and Regulation Committee for action.

#### **4. *Relocation of the Department of Consumer Affairs***

The committee discussed the future move of the board's office to North Natomas (about eight miles north of the current location) at the end of the year. All departmental entities currently residing in the 400 R Street building need to move because the lease has expired and will not be renewed. The department believes that this move will occur about January 1, 2006.

The board's office space will be reduced to about 80 percent of its current space, and will no longer have a conference room within the board's suite.

#### **5. *Equipment Purchases***

The board is currently seeking to replace all office desktop computers. The warranties on the existing computers expired in September, and since then, about seven computers have had hard drive failures.

Inspectors will soon be provided with global positioning devices that will aid them in obtaining directions statewide to licensed facilities. The extensive statewide travel inspectors undertake makes it difficult for inspectors to obtain accurate and timely travel directions to all sites they inspect. Several inspectors have personally purchased these devices for their own use on the job, and they highly recommend the use of these devices.

#### **Personnel Update and Report:**

Ms. Herold provided the committee with a personnel update.

The board hired a new legislative coordinator in mid-January from a number of highly qualified candidates. Jan Perez began work at the board on January 10. Ms. Perez has done legislation for the Department of Forestry.

Amber Crosby began work with the board in early February. She is a part-time receptionist, a much-needed position.

Tracy Brown recently began work again for the board in February. Ms. Brown is a

former employee who will assist with miscellaneous clerical support duties and filing tasks.

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In March, the Governor reappointed Board President Stan Goldenberg as a board member. He also appointed Marian Balay as a new public member.

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The board has two inspector positions vacant. The board has recruited for the inspector positions, but cannot find an applicant with the qualifications needed by the board. At the request the board, the Department of Consumer Affairs is conducting a new civil service examination for this classification. The final filing date for this examination was March 11, and the board advertised this position in the board's January 2005 *The Script*.

Interviews for placement on the eligibility list for hiring should be conducted in May, and new employees hired in June or early July.

The board itself has two public board member positions vacant; these positions were created January 1, 2004, and are Governor appointments.

The board also has one inspector on parental leave who is due to return in July.

**Adjournment:**

There being no additional business, Chairperson Tilley adjourned the meeting at 12:03 p.m.

Board of Pharmacy  
2004-05 Strategic Plan  
Third Quarterly Status Report

**Strategic Goals**  
**Organizational Development Committee**

<b>Goal 5:</b>	<b>Achieve the board's mission and goals.</b>
<b>Outcome:</b>	<b>An effective organization</b>
<b>Objective 5.1:</b>	<b>Obtain 100 percent approval for identified program needs by June 30, 2005.</b>
<b>Measure:</b>	<b>Percentage approved for identified program needs</b>
<b>Tasks:</b>	<p>1. Review workload and resources to streamline operations, target backlogs and maximize services.</p> <p><i>Oct. 2003: Board implements and identifies a number of legislative and regulatory proposals to streamline applications and application processing, complaint resolution and investigation procedures. These include:</i></p> <ul style="list-style-type: none"> <li>- Citations and fines being issued by the executive officer instead of a committee of the board.</li> <li>- New requirements enacted for pharmacy technicians and use of NAPLEX exam.</li> <li>- Status calls on applications pending less than 8 weeks are not answered.</li> <li>- Processing of fingerprint clearances and conviction information altered.</li> <li>- Statutory or regulation changes proposed for applicants for pharmacist, pharmacy technicians, interns, wholesalers and non-resident wholesalers.</li> <li>- All Sacramento staff assigned to cover phones as routine duties</li> <li>- Board's Web site will be revamped to make information more accessible.</li> <li>- Enforcement actions against licensees will be integrated into the License Verification function of the Web page to facilitate disclosure of information to the public.</li> </ul> <p><i>Jan. 2004: Board modifies procedures for processing pharmacy technicians so that all information required to make a licensing decision is submitted at one time (previously the various required components could each be submitted at any time, creating a substantial workload to match information to files.). The goal is to reduce the volume of individual pieces of application information that are submitted at different times.</i></p> <ul style="list-style-type: none"> <li>- All staff are assigned to answer phones in four-hour blocks to fill behind the board's part-time receptionists and still provide phone coverage for the public. The telephone tree is redesigned</li> </ul>

*to place calls immediately on hold, without the direct intervention of a board operator.*

- *Address of record information was placed online in mid-December. This eliminates the need for staff to provide this publicly releasable information.*
- *Enforcement information will be soon added to the Web site so complete license verification information will be available on the Web site.*
- *Board procedures for issuing citations and fines and changed to make it easier to respond to public inquiries.*
- *Data systems for monitoring enforcement cases assigned to board staff are integrated so that only one report is prepared monthly instead of two.*

*March 2004: Contracts for CPJE in place; board begins notification of candidates for pharmacist licensure they may take CPJE examination. Over 750 applications processed by end of month.*

- *Board seeks subscriber service to board's Web site as a possible means for future communication with licensees, applicants and the public.*

*April 2004: Pilot testing of Web site enforcement look up completed and process made available online.*

- *NAPLEX available to California applicants for pharmacist licensure.*
- *Security processes for data transfer among entities providing examination services under development.*

*June 2004: Exam scores released and licensure of new pharmacist begins under new examination structure*

*Oct. 2004: Staff identifies a number of legislative and regulatory proposals to streamline applications and application processing, complaint resolution and investigation procedures in the future. These are brought to the board for pursuit as regulations or statutory changes.*

- *Subscriber alert feature added to board Web site to alert interested parties about new items placed on the Web site.*

*November 2004: Board modifies application procedures for wholesalers and nonresident wholesalers, designated representatives and pharmacy interns.*

*December 2004: New board contracts established for NAPLEX and CPJE exam administrations.*

- *New Web site activated that is compliant with Governor's Office requirements*

*January 2005: Board acts on a omnibus package of regulation changes to update board regulatory programs affected by enactment of SB 361, SB 151, and SB 1913. Provisions for omnibus legislative changes are submitted to Legislative Counsel.*

2. *Develop budget change proposals to secure funding for needed resources.*

*August 2003: Budget instructions from Department of Finance specify that no program augmentations will be made this year; any increase in resources must come via redirection from within an agency's*

*budget. As such the board dissolves plans for BCPs to augment AG resources and fund a job analysis.*

*August 2004: Budget instructions from Department of Finance specify that no program augmentations will be made this year; any increase in resources must come via redirection from within an agency's budget. As such the board dissolves plans for BCPs to augment AG resources and fund a job analysis. Legislative BCP for SB 1307 and AB 2682 to provide \$85,000 for programming modifications to the board's wholesaler programs are denied; the board must redirect to cover from existing programs to fund these costs.*

*March 2005: Concept paper submitted for proposed staff augmentation for the 2006-07 fiscal year.*

3. Perform strategic management of the board through all committees and board activities.

*October 2003: Strategic plan updates from all committees provided to board for review during board meeting.*

*January 2004: Strategic plan updates from all committees provide to board for review during board meeting. Additionally committee readies plan for 2004 update of board strategic plan, planned for the April 2004 meeting.*

*April 2004: Strategic plan for each committee and overall plan for the board reviewed and approved by board for 2005.*

*July 2004: Strategic plan updates from all committees provided to board for review during board meeting. The cost of prescription drugs section of the Strategic Issues to be Addressed chapter is revised and approved by the board for inclusion in the strategic plan.*

*October 2004: Strategic plan updates from all committees provided to board for review during board meeting. In advance of the board meeting, each committee holds a public meeting; one topic discussed at each meeting is how to increase communication between the board and the public and licensees.*

*January 2005: Strategic plan updates from all committees provided to board for review during board meeting. Committee begins plans to revise strategic plan at the April Board Meeting.*

*April 2005 – Strategic plan update from all board committees provided to board for review during board meeting. Board reviews, modifies and adopts plan for 2005-06.*

4. Manage the board's financial resources to ensure fiscal viability and program integrity.

*October 2003: Full budget report provided to board on fund condition, revenue, expenditures, and mandatory budget reductions.*

*January 2004: Budget report provided to board on fund condition, revenue, expenditures and mandatory budget reductions.*

*April 2004: Full budget report provided to board on fund condition, revenue, expenditures, and mandatory budget reductions. Board pursues departmental assistance for a funding augmentation for 2004/05 for legal services from the Attorney General's Office to retain same level of service at higher fee rates now in effect by the AG's staff.*

*July 2004: Full budget report provided to board on fund condition,*

	<p>revenue, expenditures, and mandatory budget reductions. Board receives notification it will receive a \$135,000 funding augmentation for 2004/05 for legal services from the Attorney General's Office to retain same level of service at higher fee rates now in effect by the AG's staff.</p> <p>September 2004: Committee reviews full budget report on 2003/04 and future year budgets</p> <p>Board receives augmentation in AG budget of \$216,000 to adjust for higher hourly rates charged by the AG's Office</p> <p>October 2004: Full budget report provided to board on fund condition, revenue, expenditures, and mandatory budget reductions.</p> <p>January 2004: Full budget report provided to board on fund condition, revenue and expenditures.</p> <p>April 2005 – Full budget report provided to board on fund condition, revenue and expenditures.</p>
<p><b>Objective 5.2:</b></p> <p><b>Measure:</b></p>	<p><b>Maintain 100 percent staffing of all board positions.</b></p> <p><b>Percentage staffing of board positions</b></p>
<p><b>Tasks:</b></p>	<p>1. Continue active recruitment of pharmacists for inspector positions.</p> <p>July 2003: Three vacant inspector positions lost due to executive order mandating elimination of any position vacant on June 30, 2003</p> <p>September 2003: Department of Consumer Affairs notifies board that it is discontinuing the continuous application process for board inspector positions. The board has no vacant inspector positions and DCA can no longer dedicate staff to this function without a corresponding need by the board to have the civil service exam given.</p> <p>January 2004: Two inspectors on parental leave; however the board has no vacancies. Board requests the department to give an annual inspector exam so that the civil service list for this classification remains active.</p> <p>February 2004: One inspector formerly on parental leave resigns from board. Board seeks recruitment of pharmacists from other state agencies on layoff lists. No such pharmacists exist, and the board submits a freeze exemption to fill the position.</p> <p>April 2004: One inspector on parental leave. Freeze waiver for one vacant inspector position undergoing review by the Department of Finance.</p> <p>June 2004: Hiring freeze ends at end of fiscal year. Board initiates actions to fill vacant inspector position. Board also seeks recruitment of pharmacists from other state agencies. No one responds to position.</p> <p>August 2004: Pharmacists contacted on inspector civil service list to determine their interest in working for board. The board is not interested in those who respond. Board again requests department to give a new civil service examination for the classification.</p> <p>September 2004: Board again requests the inspector exam. Board increases time base of one part-time inspector from 50 percent to 75</p>

*percent of one full-time position.*

*November 2004: Board completes job analysis on inspector position.*

*December 2004: Department sets date for examination.*

*March 11, 2005: Final filing date for inspector classification.*

*Resignation of one inspector leaves two inspector positions vacant.*

*Interview date set for inspector classification interviews.*

2. Vigorously recruit for any vacant positions.

*July 2003: Six vacant positions lost due to executive order mandating elimination of any position vacant on June 30, 2003 – three inspector positions, one receptionist, one office technician for site licensing, one associate analyst for site licensing. As a result, the board has no vacant positions.*

*January 2004: The board has no vacant positions.*

*April 2004: The board is seeking a freeze exemption for its vacant inspector position.*

*June 2004: Freeze waiver not processed by the Department of Finance because freeze will end June 30. Board begins recruitment for vacant inspector position, and to hire seasonal staff.*

*July 2004: Board begins recruitment for vacant office technician position.*

*August 2004: Budget Letter indicates process to reinstate positions lost due to hiring freeze; however, implementation of the requirements require that only positions lost in 2003/04 qualify. The board did not lose any positions during this year; however, six vacant positions were lost due to executive order mandating elimination of any position vacant on June 30, 2003, and four were lost in June of 2002.*

*Board seeks to hire temporary staff – two seasonals, and one retired annuitant. One part-time OT leaves board employment.*

*September 2004: Board hires two seasonal staff and rehires its former newsletter editor as a retired annuitant. Board conducts interviews for office technician position.*

*October 2004: Board hires office technician for cashier position. Board begins recruitment for vacant legislative position. One seasonal staff quits.*

*January 2005: Board hires new legislative coordinator and one temporary clerical employee. Recruitment continues for another temporary clerical position.*

*February 2005. Second part-time and temporary receptionist hired. One additional seasonal employee hired to aid in reducing miscellaneous filing backlogs and clerical duties.*

2. Perform annual performance and training assessments of all staff.

*December 2003: All inspectors have annual performance assessments done by their supervisors. State budget restrictions on training may impede the ability of the board to provide all training needed or desired by inspectors.*

*December 2004: All licensing staff and most inspectors have annual assessments. The remaining assessments will be conducted in the next few months.*

<p><b>Objective 5.3:</b></p> <p><b>Measure:</b></p>	<p><b>Implement 10 strategic initiatives to automate board processes by June 30, 2005.</b></p> <p><b>Number of strategic initiatives implemented to automate board processes</b></p>
<p><b>Tasks:</b></p>	<ol style="list-style-type: none"> <li>1. Perform a feasibility study to establish the board's own computer system to track licensees and enforcement activities. <i>July 2003: Department of Finance issues budget instructions stating all computer installation projects and proposals are postponed due to budget crisis.</i></li> <li>2. Continue to work with the Department on the development and implementation of the Professional Licensing and Enforcement Management System (PLEMS). <i>November 2003: Department of Finance denies Department of Consumer Affairs' PLEMS feasibility study report. Department discontinues project. Board suggests reassignment of existing information technology staff to resume programming modifications to existing CAS system which were reassigned to develop PLEMS. This will prevent board from realizing one finding of DCA's Internal Audits Office – to have only one tracking system in place at the board.</i> <i>May 2004: Board prepares parameters to join DCA's applicant tracking system to eventually enable online renewals in the future.</i> <i>April 2005: Board in first tier of agencies implementing applicant tracking. Implementation is still at least one year away.</i></li> <li>3. CURES <i>November 2003: Board Inspector develops program to integrate CURES data into board's pharmacy inspection tracking program, so that summary CURES data is immediately retrievable when looking at a pharmacy's record.</i> <i>January 2005: Board approves \$24,000 one-time annual increase in funding for CURES, at the request of the Department of Justice, for a total annual amount of \$92,000 for contract services.</i> <i>April 2005: New operating system for CURES online. Board staff working to learn new system.</i></li> <li>4. Board seeks software to allow subscribers to the board's Web site to be notified when the Web site is updated. <i>September 2004: board pilot tests system</i> <i>October 2004: board activates system</i></li> <li>5. Miscellaneous Projects <i>January 2004: Board purchases new printers for board office to provide more efficient use of board's new file server.</i> <i>May 2004: Board meets with department's OIS staff on board strategic priorities for automation. The need to allow online renewal is the board's #1 priority. The board stated its desire for online submission of applications, an automated tracking system (PLEMS) and the ability of applicants to identify the status of their</i></li> </ol>

*applications online.*

6. Pharmacist Licensure Examinations:

*March – June 2004: New and secured systems developed to transmit data to and from vendors of the NAPLEX and CPJE exams, provide results to candidates in an automated fashion as much as possible.*

7. Provide equipment to facilitate performance of board duties

Computer Equipment:

*June 2004: New computers ordered for inspectors.*

*October 2004: New laptop computers are imaged and provided to board inspectors.*

*February 2005: Desktop computers ordered for office staff.*

Communication Systems with Field Staff

*June 2004: new integrated communication systems ordered to allow access of e-mail from field.*

*September 2004: Board receives handheld communications devices that combine the ability to send and review e-mail, function as telephones and pagers for all board inspectors. This will improve communications with these field staff regardless even when they are away from their home offices.*

*October 2004: Inspector staff receive and are trained to use new equipment.*

General Equipment

*June 2004: Provision of postage system in inspectors' home office to eliminate the need for frequent trips to the post office.*

<p><b>Objective 5.4:</b></p> <p><b>Measure:</b></p>	<p><b>Provide for communication venues to communicate within the board by June 30, 2005.</b></p> <p><b>Number of communication venues to communicate within the board</b></p>
<p><b>Tasks:</b></p>	<p>1. Continue the Communication Team to improve communication among staff and host quarterly staff meetings.</p> <p><i>July 2003: quarterly staff meeting made discretionary for board inspectors due to lack of a state budget. TCT hosts annual picnic for all Sacramento staff and a number of inspectors who travel to Sacramento.</i></p> <p><i>Sept. 2003: TCT conducts mail-ballot election to replace vacancy of one analyst on the TCT</i></p> <p><i>October 2003: to reduce travel expenses, quarterly staff meetings are converted to biannual meetings (July and December), as such no TCT quarterly meeting held.</i></p> <p><i>December 2003: TCT hosts staff meeting and team building activities for all board staff. Board members provide Christmas lunch to staff.</i></p> <p><i>March 2004: LA-based inspector staff attend Enforcement Team Meeting in Burbank.</i></p> <p><i>May 2004: Inspectors hold inspector workshop in Fresno</i></p> <p><i>June 2004: TCT hosts staff meeting and annual staff picnic</i>  <i>Sacramento-based inspector staff join other Sacramento staff to attend Enforcement Team Meeting</i></p>
	<p><i>September 2004: LA-based inspector staff attend Enforcement Team Meeting in Burbank</i></p> <p><i>October 2004: Team meetings of each inspector team occur in Sacramento during time of new equipment exchange</i></p> <p><i>December 2004: TCT hosts staff meeting. Board members provide a Holiday lunch for staff.</i></p> <p>2. Continue Enforcement Team meetings with board members and enforcement staff.</p> <p><i>July 2003: Enforcement team meeting held in Sacramento. To reduce travel expenses, quarterly team meetings with all enforcement staff will be converted to biannual meetings. Supervising inspectors will provide inspector meetings to update Los Angeles-based staff.</i></p> <p><i>Sept. 2003: Enforcement team meeting held in Sacramento. Los Angeles inspectors not present, but supervisors hold inspector meeting in LA for these staff to reduce travel expenses.</i></p> <p><i>Dec. 2004: Enforcement Committee and Enforcement Team meetings held with all board enforcement staff.</i></p>

	<p><i>March 2004: LA-based Enforcement Staff meet in Los Angeles as part of Enforcement Team Meeting.</i></p> <p><i>June 2004: Enforcement team meeting in Sacramento. Los Angeles inspectors not present</i></p> <p><i>September 2004: LA-based Enforcement Staff meet in Los Angeles as part of Enforcement Team Meeting.</i></p> <p><i>December 2004: Enforcement Team Meeting in Sacramento.</i></p> <p><i>March 2005: Southern California inspectors meet as Enforcement Team in Burbank in conjunction with Enforcement Committee Meeting.</i></p> <p>3. Convene inspector meetings to develop standardized investigation and inspection processes and earn continuing education.</p> <p><i>July 2003: inspector meeting held in conjunction with Enforcement Team meeting.</i></p> <p><i>Sept. 2003: Inspector meeting held in Northern and Southern CA. Topics include development of new procedures, case presentation and review, and workload discussions.</i></p> <p><i>Dec. 2003: inspector meeting held with all inspectors. Computer modifications incorporated onto all inspectors' computers.</i></p> <p><i>March 2004: Inspector meeting planned for late May to focus on improving investigation reports.</i></p> <p><i>May 2004: Inspectors hold four-day inspector workshop in Fresno to provide training and discussion of investigations.</i></p> <p><i>June 2004: Inspectors have one-day inspector meeting as part of semi-annual meetings.</i></p> <p><i>August 2004: Compliance team inspectors meet to identify and assign inspection locations through June 2005</i></p> <p><i>October 2004: All inspector teams meet during reassignment of equipment</i></p> <p><i>December 2004: All inspectors trained in new Pharmacy Law provisions for 2005.</i></p> <p><i>March 2005: Drug diversion inspector team undergoes training for inspecting wholesaler facilities.</i></p>
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<b>Objective 5.5:</b>  <b>Measure:</b>	<b>Annually conduct at least 2 outreach programs where public policy issues on health care are being discussed.</b>  <b>Number of outreach programs conducted in one year</b>
<b>Tasks:</b>	1. Attend outreach programs. <i>September 2003: President Jones attends NABP's District VII and VIII meeting</i> <i>October 2003: Board participates in CSHP's Annual Seminar in Sacramento</i> <i>November 2003: Board participates in development of Emergency Contraception Protocol for pharmacists, as required by SB 490 (Alpert, Chapter 651, Statutes of 2003)</i> <i>December 2003: Staff attend USC Seminar in Balancing the Rx Cost/Benefit Equation</i> <i>January 2004: Board participates in CPhA's Outlook 2004</i> <i>March 2004: Board convenes Workgroup on Pharmacy Compounding task force to determine parameters for distinguishing between compounding and manufacturing</i> <i>April 2004: Board members attend NABP's annual meeting.</i> <i>June 2004: Board participates in public policy discussion regarding importation of Canadian drugs hosted by the Pharmacy Foundation of California.</i> <i>Board holds second meeting of Workgroup on Pharmacy Compounding to determine parameters for distinguishing between compounding and manufacturing.</i> <i>September 2004: Board holds third meeting of Workgroup on Pharmacy Compounding to determine parameters for distinguishing between compounding and manufacturing.</i> <i>October 2004: Executive Officer attends Clearinghouse on Licensure and Enforcement Regulator (CLEAR) in Kansas City, she provides a presentation on doing more with less.</i> <i>November 2004: Supervising Inspector Ratcliff is keynote speaker at CSHP's annual meeting. Also, Board President Goldenberg and Supervising Inspector Ming provide presentations about the board and sterile injectable compounding.</i> <i>December 2004: Board holds fourth and final meeting of Workgroup on Pharmacy Compounding to determine parameters for compounding pharmacies.</i> <i>January 2005: Staff begin participation with the NABP on implementing radio frequency identification technology.</i> <i>March 2005: Board staff begin participation on two multi-agency work groups to develop pharmacy response teams to respond to natural disasters and declared emergencies.</i>