

Agenda Item IX

LICENSING COMMITTEE REPORT



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

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Licensing Committee Report

Members:

Greg Lippe, Public Member, Chairperson

Ryan Brooks, Public Member

Rosalyn Hackworth, Public Member

Debbie Veale, PharmD

LICENSING COMMITTEE REPORT AND ACTION

Report of the Meeting Held April 17, 2012.

- a. **FOR DISCUSSION and POSSIBLE ACTION: Initiate a Rulemaking to Adopt Regulation Requirements to Specify Standards for Agencies that Accredite Licensed Sterile Injectable Compounding Pharmacies (Proposed as 16 California Code of Regulations Section 1751.9)**

Attachment 1

Relevant Statutes

California Business and Professions Code section 4127 et seq. establishes a specialized category of pharmacy licensure for pharmacies that are: 1. already licensed pharmacies, and 2. compound injectable sterile drug products. These specialized pharmacies may be either hospital pharmacies or community pharmacies. As a condition of licensure, these pharmacies must be inspected by the board before initial licensure and each year before renewal of the license. This is the only category of board licensure that requires annual inspections as a condition of renewal.

However, there is an exemption in existing law from this specialty category of board licensure for pharmacies if:

- the pharmacy is licensed by the board or the Department of Public Health
AND
- the pharmacy is currently accredited by the Joint Commission on Accreditation of Healthcare Organizations or other private accreditation agencies approved by the board.

Background

In 2003, the Licensing Committee developed criteria for the evaluation of applications by accrediting entities for board approval. It was decided that the evaluation of accrediting agencies for board approval under Business and Professions Code section 4127.1 should be based on the accrediting agency's ability to evaluate the pharmacy's conformance with California law and good professional practice standards and the following factors. Provided below is the general criteria the board initially established in 2003.

1. **Periodic inspection** -The accrediting entity must subject the pharmacy to site inspection and re-accreditation at least every three years.
2. **Documented accreditation standards** -The standards for granting accreditation and scoring guidelines for those standards must reflect both applicable California law and sound professional practice as established by nationally recognized professional or standard setting organizations.
3. **Evaluation of surveyor's qualifications** -The surveyors employed to perform site inspections must have demonstrated qualifications to evaluate the professional practices subject to accreditation.
4. **Acceptance by major California payers** -Recognition of the accrediting agency by major California payers (e.g., HMOs, PPOs, PBGH, CalPERS).
5. **Unannounced inspection of California accredited sites** -The board must conduct unannounced inspections of two or more accredited sites and find those sites in satisfactory compliance with California law and good professional practice.
6. **Board access to accreditor's report on individual pharmacies.**
7. **Length of time the accrediting agency has been operating.**
8. **Ability to accredit out-of-state pharmacies.** Non-resident pharmacies are eligible for licensure under the sterile compounding statutes and accreditation should be equally available to both resident and non-resident pharmacies.

Over the past few years the board has reviewed and approved several new accreditation agencies. During the course of its discussion and evaluation, the board has expressed some hesitation in the approval of accreditation agencies that do not incorporate the following items:

1. A pharmacist as a member of the survey team
2. Perform annual inspections
3. Willingness to share information with the board on findings
4. Ensuring conformance with California's requirements for LSCs

As previously discussed by the board, regulation language is necessary to facilitate implementation of this process. During the last board meeting members were advised that the committee continues to discuss the proposal and suggested several changes to the proposed language.

Committee Discussion

During the committee meeting, members discussed the revised language. Counsel advised the members of the need for additional amendments to more fully define the appeal process. The committee requested that the amended language be brought to the full board meeting.

Recent Update

Upon further review of the language, counsel recommends several changes to the draft language. In addition, after discussion a few implementation challenges have been identified. During this meeting, board staff requests discussion on items listed below. Discussion will allow staff to prepare a more complete regulation package that should eliminate conflicts within the regulation itself as well as provide for appropriate regulation.

Items for Discussion

1. The regulation in its current draft specifies that the board will approve all initial requests for approval. This presents a challenge from a due process standpoint in that if the board denies a request, the board cannot resolve or vote on an appeal.

Recommendation: Delegate to staff the consideration of such requests, similar to the processing of an application for licensure. This will allow the board to consider the appeal of any denial.

2. The regulation in its current draft does not specify the process for rescinding an approval and the appeal of such an action.

Recommendation: Establish a process that allows board staff to rescind an approval and allow the board or a subcommittee of the board to rule on an appeal submitted in response to such action by board staff.

Attachment 1 contains two versions of proposed regulation language. Option 1 includes that language that would incorporate the recommendations provided above. Should the board not agree with the recommendation, Option 2 does not incorporate those recommendations. The difference between the two versions is in subdivision c.

b. Discussion and Possible Action: Initiate a Rulemaking to Amend Regulations that Specify Continuing Education Credit for Pharmacists in Specific Content Areas

Attachment 2a-c

Relevant Statutes

Business and Professions Code section 4231 requires a pharmacist to earn 30 hours of approved continuing education credit every two years as a condition of renewal.

Business and Professions Code section 4232 specifies that content of courses that will be acceptable including the following:

- Pharmacology
- Biochemistry
- Physiology
- Pharmaceutical chemistry
- Pharmacy Administration
- Pharmacy Jurisprudence
- Public health and communicable diseases
- Professional practice management
- Anatomy
- Histology

Background

For some months at meetings of the board or its committees, there has been general discussion about developing requirements for pharmacists to earn CE in specific subject matter areas. To establish such a requirement would take either a legislative or regulation change.

Prior discussions have included possible mandatory CE in emergency/disaster response, patient consultation, substance abuse or in maintaining control of a pharmacy's drug inventory. Any topic the board determines as appropriate for mandatory CE should have generally broad-based applicability for pharmacists.

During the October 2011 Board Meeting, the board directed the committee to continue its discussion about such a requirement and specified that if the recommendation is approved, to authorize staff to investigate implementation.

1. Discussion and Possible Action to Initiate a Rulemaking to Amend Regulations That Specify Continuing Education Credit for Pharmacists in Specific Content Areas (Proposed Amendment to Title 16 California Code of Regulations Section 1732.5.

Background

For nearly only one year in meetings of this committee and of the board, there has been discussion about requiring continuing education in certain topics. At the February 2012 Board Meeting, the board determined to proceed with a rulemaking to require six of the 30 units required for pharmacist license renewal every two years to be in:

- Emergency/disaster Response
- Patient Consultation
- Maintaining Control of a Pharmacy's Drug Inventory
- Ethics
- Drug Abuse

Committee Discussion

During the committee meeting, members discussed the proposed language. The committee made one change to the language, replacing the word "drug" with "substance."

Committee Recommendation

Recommend to the board initiation of the rulemaking CCR 1732.5 as amended. Language is provided in **Attachment 2a**.

2. Discussion and Possible Action: Pursue Regulations to Amend Provisions for the Award of Continuing Education (Amendment to Title 16 California Code of Regulations Section 1732.2)

Background

At the February meeting, the board reviewed a pending regulation change that would have awarded six units of continuing education per renewal period to a pharmacist or pharmacy technician who attends a full day of a board meeting, and two units of continuing education per renewal period to a pharmacist or pharmacy technician who attends a committee meeting. During this meeting, the board withdrew its proposed amendment to CCR 1732.2 as it wished to

modify the CE to be awarded for such attendance. (The rulemaking was at that time undergoing review by the Office of Administrative Law, the final step in the regulation adoption process.)

Committee Discussion

The committee discussed the proposal and requested that the language be modified to replace use of “continuing education hours” and “continuing education credit” with “continuing education” to remain consistent with the statute.

Committee Recommendation

Recommend to the board initiation of the rulemaking CCR 1732.2 as amended. **Attachment 2b** contains the amended language.

3. Discussion and Possible Action: Pursue Changes to Update a Reference to Accreditation Agencies for Continuing Education (Amendment to Title 16 California Code of Regulations Section 1732.05)

Background

The board received a request from the California Pharmacists Association requesting a modification to CCR section 1732.05 to reflect the restructuring of the Pharmacy Foundation of California and its transference of duties related to the provision of continuing education to the California Pharmacists Association.

Committee Discussion

The committee briefly discussed the proposed amendments.

Committee Recommendation

Recommend to the board to direct staff to take all steps necessary to initiate a formal rulemaking process to amend 16 California Code of Regulations Section 1732.05 as proposed. **Attachment 2c** contains the regulation language.

- c. **FOR DISCUSSION AND POSSIBLE ACTION: Sponsor a Statutory Provision to Authorize the Board to Issue a Public Reprimand for Violations That Would Not Warrant License Denial or Issuance of a Probationary License.**

ATTACHMENT 3

Relevant Statutes

Business and Professions Code Section 4300 (c) authorizes the board to refuse a license to any applicant guilty of unprofessional conduct. In addition this subsection authorizes the board to issue a probationary license to an application who is guilty of unprofessional conduct and who has met all other licensing requirements.

Background

Before issuing a license, the board does a background review of all applicants for licensure. This review is also done on the owners and officers of applicants for site licenses. There are several components to this review.

The background review includes mandatory submission of fingerprints, which are reviewed at state and federal levels to determine prior arrests and convictions within and outside California. The board reviews the reports of arrests and convictions it obtains from the courts and law enforcement agencies before making any licensing decision. The board also asks questions about prior convictions on every application, and collects information from the applicant about these events.

The board also requires information about prior administrative actions taken by any regulatory agency against an applicant. It collects this information in several ways, one by requiring responses to specific questions on the applications – signed under penalty of perjury about the truth of the responses – that there has been no prior discipline. Increasingly the board also relies upon national HIPDP data base searches to ensure the accuracy of the self reported information collected on the application. Pharmacy technician applications must now submit a “self query report” from the HIPDB to ensure the accuracy of their responses. A similar requirement for interns and pharmacists technicians has been approved by the board as a regulation and the regulation requirements are undergoing review by the Administration.

Sometimes the information gained from these background reviews shows serious violations in an applicant’s past. In such cases, when the matters are substantially related to the duties of the license, the board denies the license or may issue a probationary license. Currently, these are the only two options open to the board when making a licensing decision about an application.

When considering the appropriate action when making a licensing decision, board staff recognizes that some violations while serious, are not sufficient or are so old that the board would have difficulty in denying the license or issuing a probationary license based on the violation.

This issue is faced by all boards when making a licensing decision about an applicant. The Medical Board has a provision in its statutes that provides another alternative – issuance of the license, but with a public reproof.

Committee Discussion

The committee discussed this issue and reviewed proposed statutory language that could be used to facilitate implementation of the provision. The committee commented on this provided another option for the board to use when making a licensing decision and spoke about how the provision could be used.

Committee Recommendation

Recommend addition of the provision to authorize the board to issue a public reprimand for violations that would not warrant license denial or issuance of a probationary license to the board’s statutory provisions.

Recent Update

Board staff and counsel have modified the language to provide a more structured statutory framework. The amended language is provided in **Attachment 3**.

d. FOR INFORMATION: Evaluation of the Impact of Changes Incorporated on the Pharmacy Technician Application Form

Relevant Statutes/Regulations

Business and Professions Code Section 4202 establishes the requirements for licensure as a pharmacy technician.

California Code of Regulations Section 1739.5 details the application requirements for licensure as a pharmacy technician.

Background

Historically a significant majority of pharmacy technician applications were received with deficiencies. This resulted in delays in processing applications and issuing licenses. To remedy this, in October 2011, the board began using a revised pharmacy technician application. The revised application more clearly specifies the requirements for licensure as well as the information necessary to confirm compliance. In addition, changes were made to reduce the likelihood of applicants providing false information to the board.

The revised application now requires the applicant to submit an official high school transcript or GED test scores as a result of applicants providing fraudulent documents indicating they had graduated high school. In addition an applicant must provide a sealed original Self-Query Report from the National Practitioner Data Bank Healthcare Integrity and Protection Data Bank (NPDB-HIPDB). This query validates the information provided by the applicant about their background.

To ensure more complete applications are received, staff has been reaching out to the pharmacy technician programs notifying them of the revised application and what is required to make an application complete.

The number of deficient applications the board receives is reducing each month. In October 2011 79% of applications received were deficient compared to February 2012 where 49% of the applications were deficient. As we continue outreach efforts we anticipate that the number will continue to decrease.

Committee Discussion

The committee briefly discussed this item. No action was taken.

e. **FOR INFORMATION: Review of the Education and Experience Requirements for Pharmacist Licensure in California and Other States**

Attachment 4

Relevant Statute

Business and Professions Code Section 4200 establishes the requirements for an applicant to be deemed eligible for the pharmacist licensure examination. The requirements include the following:

1. At least 18 years of age.
2. Graduation from a school of pharmacy recognized by the board or certification by the Foreign Pharmacy Graduate Examination Committee if the applicant is a graduate from a foreign country.
3. A minimum of 150 semester unit, no less than 90 of those must be completed at a school of pharmacy.
4. At least a baccalaureate degree in a course of study devoted to the practice of pharmacy.
5. Completion of 1500 of pharmacy practice experience.
6. Pass the North American Pharmacist Licensure Examination and the California Practice Standards and Jurisprudence Examination for Pharmacists.

For Information

Over the past several years the committee and board have discussed the requirements for pharmacist licensure, especially in the area of intern hour experience. For this meeting staff prepared a comparison of California requirements with several other states. Provided below is very brief information on three general areas: examination; education; and experience. Following this memo is information collected by the National Association of Boards of Pharmacy that details specific requirements for each state.

Examination

All states require pharmacist examination applicants to pass the North American Pharmacist Licensure Examination (NAPLEX) and all but seven states required the Multistate Pharmacy Jurisprudence Examination (MPJE). California is one of the seven that does not require the MPJE as it has its own California Jurisprudence Pharmacist Examination (CPJE).

Education

Although states vary in the method by which they confirm education, all states require similar education requirements for domestic graduates including graduation from a school of pharmacy by the Accreditation Council for Pharmacy Education (ACPE).

Experience

One area where states vary is in the number of intern hours experience as well as the method by which such experience is verified. The majority of the states require a minimum of 1,500 hours of practice experience. Some state accept hours in conjunction with academic credit and some states accept hours earned and verified by another state board of pharmacy.

Committee Discussion

The committee discussed the comparison of licensure requirements as well as the intern requirements specifically. The committee noted that the intern hours requirement has been an item for discussion over the past couple of years.

No action was taken on this item.

f. FOR INFORMATION: Competency Committee Report

Committee Discussion

California Practice Standards and Jurisprudence Examination for Pharmacists (CPJE)

The committee was advised that board instituted a quality assurance review of the CPJE effective April 2, 2012. This process is done periodically to ensure the reliability of the examination. As of the date of this report, the quality assurance review is still under review. Based on historical patterns, the board anticipates results being released approximately August 2012.

Examination Development

Competency Committee workgroup will continue to meet in the spring of 2012 for examination development.

g. FOR INFORMATION: Licensing Statistics

Attachment 5

Attachment 5 includes the licensing statistics for the second quarter of 2011/12.

h. FOR INFORMATION: Minutes of the Meeting Held April 17, 2012

Attachment 6

Attachment 6 contains the minutes from the meeting.

i. FOR INFORMATION: Third Quarterly Report on the Committee's Goals for 2011/12

Attachment 7

The third quarterly report on the Licensing Committee's goals is provided at the back of the tab section in **Attachment 7**.

Attachment 1

Option No. 1

OPTION NO. 1

Board of Pharmacy Specific Language to Add Section 1751.9

Add Section 1751.9 to Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1751.9 - Accreditation Agencies for Pharmacies that Compound Injectable Sterile Drug Products

(a) An agency seeking to become an approved accrediting agency for pharmacies or nonresident pharmacies that compound sterile injectable drug products pursuant to Business and Professions Code sections 4127.1 or 4127.2 shall submit evidence satisfactory to the board as described in subdivision (b) that:

(1) The accrediting agency performs site inspections and re-accreditation reviews of each accredited pharmacy at least annually. Site inspections shall be conducted to ensure compliance with Article 4.5 (commencing with Section 1735) and Article 7 (commencing with Section 1751) of Division 17 of Title 16 of the California Code of Regulations governing the compounding of sterile injectable drug products.

(2) The standards for granting accreditation shall reflect the Pharmacy Law.

(3) The surveyors who perform site inspections possess qualifications necessary to evaluate the professional practices subject to accreditation. At least one member of the survey team must be a licensed pharmacist. All health care practitioner surveyors must maintain current, active and unrestricted licensure to practice their respective professions.

(4) The accrediting agency has sufficient personnel and resources to accredit California and non-resident pharmacies.

(5) The accrediting agency has been operating for a minimum of two years with a history of accrediting health care facilities. .

(6) The accrediting agency shall provide the board access to an approved accrediting agency's report on individual pharmacies for a three-year period following issuance of the report. Upon request of the board, the agency shall provide the report within 10 business days.

(b) An agency seeking approval from the board must submit a formal written request to the board signed by an authorized representative that includes the applicant owner's name, the company name, address of record, and contact information along with the following information:

1. A side-by-side comparison showing the agency's sterile compounding standards and describing how each standard complies with each of the requirements of this Section) .
2. A list of employees performing survey inspections that also sets forth the name, title, license number, license type, state of licensure and licensure status for each employee.
3. A list of payors or organizations that the agency is recognized by, if applicable.

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4. A list of health care facility sites currently accredited by the agency including the name, location, license type and license number of each site.
5. A detailed description of the process used to evaluate health care facility sites seeking accreditation or reaccreditation.
6. Documentation of compliance with the requirements listed in the self-assessment form referenced in section 1735.2(j) of Title 16 of the California Code of Regulations in evaluating pharmacies and non-resident pharmacies.
7. Documentary or other evidence of a process to address non-compliance that may include any or all of the following: (a) a requirement for correction of any identified deficiencies within a set timeframe; (b) a requirement that failure to comply shall result in the accrediting agency issuing a reprimand or suspending or revoking the accreditation; or, (c) a process for suspending or revoking the licensed sterile injectable drug compounding pharmacy's accreditation.

(c) The board shall take action only on a completed approval request. If the board or its designee grants approval to an accrediting agency, the approval shall be valid for three years from the date of the issuance of approval. If the approval request submitted pursuant to subdivision (b) fails to demonstrate compliance with this Section, or the board has evidence that the accrediting agency has failed to meet the requirements of this section, the Board or its designee may issue and serve a notice of denial of approval on the accrediting agency at its address of record with the board. The denial shall set forth the factual and legal basis for the denial. Within 30 days of the date of the notice, the accrediting agency may request an appeal of the decision to deny approval to the board. If no appeal is requested, the denial shall become final. If the board receives a request for an appeal of the notice, the request for an appeal shall be considered a request for an informal hearing under the Administrative Procedure Act (commencing with Section 11445.10 of the Government Code).

(d) After approval, an approved accreditation agency shall continue to meet the standards provided in this Section and meet any conditions under which it is approved by the board. Failure to comply with the standards set forth in this section or any conditions set by the board shall be grounds for rescission of the board's approval.

(e) The accreditation agency shall, within 24 hours, report to the board any licensed sterile injectable drug compounding pharmacy issued a reprimand or any licensed sterile injectable drug compounding pharmacy whose accreditation has been suspended, revoked, or otherwise restricted by the accrediting agency.

(f) On an annual basis, no later than July 1 of each year, an approved accrediting agency shall submit a report to the board listing all board-licensed pharmacies or nonresident pharmacies that are currently accredited and have been accredited during the past 12 months with a notation of the outcome of each inspection conducted by the accrediting agency.

(g) The board may conduct unannounced inspections of accredited sites to determine if the licensed facility is in compliance with the Pharmacy Law. An accrediting agency shall cooperate with any board investigation or inspection conducted by the board.

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(h) Three months before the end of an approval or re-approval period, an approved accrediting agency must submit a formal, written request for re-approval to the board or its designee for continued recognition as an approved accrediting agency. The re-approval request shall provide the information set forth in subdivision (b). If the re-approval application fails to demonstrate compliance with this Section, or the board has evidence that the accrediting agency has failed to meet the requirements of this section, the Board or its designee may issue and serve a notice of denial of re-approval on the accrediting agency at its address of record with the board. The denial shall set forth the factual and legal basis for the denial. Within 30 days of the date of the notice, the accrediting agency may request an appeal of the decision to deny re-approval. If no appeal is requested, the denial shall become final. If the board receives a request for an appeal of the notice, the request for an appeal shall be considered a request for an informal hearing under the Administrative Procedure Act (commencing with Section 11445.10 of the Government Code).

(i) Recognition of an approval shall continue pending the outcome of any appeal from a notice of denial or rescission of any approval. However, if either a denial or rescission of an approval is upheld after appeal, the accrediting agency shall notify all affected pharmacies or nonresident pharmacies of the loss of the board's approval.

(j) The board may evaluate the performance of an approved accreditation agency and may rescind its approval of the accreditation agency for failure to conform with the Pharmacy Law and standards relating to sterile injectable drug compounding or any of the provisions of this section. The Board or its designee may issue and serve a notice of rescission of approval on the accrediting agency at its address of record with the board. The rescission notice shall set forth the factual and legal basis for the rescission and set forth the process for appealing the notice. Within 30 days of the date of the notice, the accrediting agency may request an appeal of the decision to rescind approval. If no appeal is requested, the denial shall become final. If the board receives a request for an appeal of the notice, the request for an appeal shall be considered a request for an informal hearing under the Administrative Procedure Act (commencing with Section 11445.10 of the Government Code).

Attachment 1

Option No. 2

OPTION NO. 2

Board of Pharmacy Specific Language to Add Section 1751.9

Add Section 1751.9 to Division 17 of Title 16 of the California Code of Regulations to read as follows:

§1751.9 - Accreditation Agencies for Pharmacies that Compound Injectable Sterile Drug Products

(a) An agency seeking to become an approved accrediting agency for pharmacies or nonresident pharmacies that compound sterile injectable drug products pursuant to Business and Professions Code sections 4127.1 or 4127.2 shall submit evidence satisfactory to the board as described in subdivision (b) that:

(1) The accrediting agency performs site inspections and re-accreditation reviews of each accredited pharmacy at least annually. Site inspections shall be conducted to ensure compliance with Article 4.5 (commencing with Section 1735) and Article 7 (commencing with Section 1751) of Division 17 of Title 16 of the California Code of Regulations governing the compounding of sterile injectable drug products.

(2) The standards for granting accreditation shall reflect the Pharmacy Law. .

(3) The surveyors who perform site inspections possess qualifications necessary to evaluate the professional practices subject to accreditation. At least one member of the survey team must be a licensed pharmacist.. All health care practitioner surveyors must maintain current, active and unrestricted licensure to practice their respective professions.

(4) The accrediting agency has sufficient personnel and resources to accredit California and non-resident pharmacies.

(5) The accrediting agency has been operating for a minimum of two years with a history of accrediting health care facilities.

(6) The accrediting agency shall provide the board access to an approved accrediting agency's report on individual pharmacies for a three-year period following issuance of the report. Upon request of the board, the agency shall provide the report within 10 business days.

(b) An agency seeking approval from the board must submit a formal written request to the board signed by an authorized representative that includes the applicant owner's name, the company name, address of record, and contact information along with the following information:

1. A side-by-side comparison showing the agency's sterile compounding standards and describing how each standard complies with each of the requirements of this Section) .
2. A list of employees performing survey inspections that also sets forth the name, title, license number, license type, state of licensure and licensure status for each employee.
3. A list of payers or organizations that the agency is recognized by, if applicable.

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4. A list of health care facility sites currently accredited by the agency including the name, location, license type and license number of each site.
5. A detailed description of the process used to evaluate health care facility sites seeking accreditation or reaccreditation.
6. Documentation of compliance with the requirements listed in the self-assessment form referenced in section 1735.2(j) of Title 16 of the California Code of Regulations in evaluating pharmacies and non-resident pharmacies.
7. Documentary or other evidence of a process to address non-compliance that may include any or all of the following: (a) a requirement for correction of any identified deficiencies within a set timeframe; (b) a requirement that failure to comply shall result in the accrediting agency issuing a reprimand or suspending or revoking the accreditation; or, (c) a process for suspending or revoking the licensed sterile injectable drug compounding pharmacy's accreditation.

(c) The Board of Pharmacy shall take action on a completed application at a scheduled board meeting, as follows:

1. If granted, the approval shall be valid for three years from the date of action by the board.
2. If the approval is denied, the agency will be notified of the basis for the denial, including a description of the standards that were not met. The agency may submit additional information to the board for reconsideration of the denial within 30 days of the date of the notice of denial. The reconsideration shall be considered at a scheduled board meeting and the accrediting agency may show compliance with the standards set forth in this Section by producing new documentary evidence, providing testimony or submitting other evidence demonstrating why the approval should be granted.

(d) After approval, an approved accreditation agency shall continue to meet the standards provided in this Section and meet any conditions under which it is approved by the board. Failure to comply with the standards set forth in this section or any conditions set by the board shall be grounds for rescission of the board's approval.

(e) The accreditation agency shall, within 24 hours, report to the board any licensed sterile injectable drug compounding pharmacy issued a reprimand or any licensed sterile injectable drug compounding pharmacy whose accreditation has been suspended, revoked, or otherwise restricted by the accrediting agency.

(f) On an annual basis, no later than July 1 of each year, an approved accrediting agency shall submit a report to the board listing all board-licensed pharmacies or nonresident pharmacies that are currently accredited and have been accredited during the past 12 months with a notation of the outcome of each inspection conducted by the accrediting agency.

(g) The board may conduct unannounced inspections of accredited sites to determine if the licensed facility is in compliance with the Pharmacy Law. An accrediting agency shall cooperate with any board investigation or inspection conducted by the board.

(h) Three months before the end of an approval or re-approval period, an approved accrediting agency must submit a formal, written request for re-approval to the board or

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its designee for continued recognition as an approved accrediting agency. The re-approval request shall provide the information set forth in subdivision (b). If the re-approval application fails to demonstrate compliance with this Section, or the board has evidence that the accrediting agency has failed to meet the requirements of this section, the Board or its designee may issue and serve a notice of denial of re-approval on the accrediting agency at its address of record with the board. The denial shall set forth the factual and legal basis for the denial. Within 30 days of the date of the notice, the accrediting agency may request an appeal of the decision to deny re-approval. If no appeal is requested, the denial shall become final. If the board receives a request for an appeal of the notice, the request for an appeal shall be considered a request for an informal hearing under the Administrative Procedure Act (commencing with Section 11445.10 of the Government Code).

(i) Recognition of an approval shall continue pending the outcome of any appeal from a notice of denial or rescission of any approval. However, if either a denial or rescission of an approval is upheld after appeal, the accrediting agency shall notify all affected pharmacies or nonresident pharmacies of the loss of the board's approval.

(j) The board may evaluate the performance of an approved accreditation agency and may rescind its approval of the accreditation agency for failure to conform with the Pharmacy Law and standards relating to sterile injectable drug compounding or any of the provisions of this section. The Board or its designee may issue and serve a notice of rescission of approval on the accrediting agency at its address of record with the board. The rescission notice shall set forth the factual and legal basis for the rescission and set forth the process for appealing the notice. Within 30 days of the date of the notice, the accrediting agency may request an appeal of the decision to rescind approval. If no appeal is requested, the denial shall become final. If the board receives a request for an appeal of the notice, the request for an appeal shall be considered a request for an informal hearing under the Administrative Procedure Act (commencing with Section 11445.10 of the Government Code).

Attachment 2a

To Amend Section 1732.5 of Article 44 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1732.5. Renewal Requirements for Pharmacists.

a. Except as provided in section 4234 of the Business and Professions Code and section 1732.6 of this Division, each applicant for renewal of a pharmacist license shall submit proof satisfactory to the board, that the applicant has completed 30 hours of continuing education in the prior 24 months.

b. Effective July 1, 2013, at least six of the 30 units required for pharmacist license renewal shall be completed in one or more of the following subject areas:

1. Emergency/Disaster Response,
2. Patient Consultation,
3. Maintaining Control of a Pharmacy's Drug Inventory,
4. Ethics,
5. Substance Abuse.

Pharmacists renewing their licenses which expire on or after July 1, 2015 shall be subject to the requirements of this subdivision.

c. All pharmacists shall retain their certificates of completion for four years following completion of a continuing education course.

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4231 and 4232, Business and Professions Code.

Attachment 2b

To Amend Section 1732.2 of Article 44 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1732.2 Board Accredited Continuing Education Courses

- a. Individuals may petition the board to allow continuing education credit for specific coursework which is not offered by a provider but meets the standards of Section 1732.3.
- b. Notwithstanding subdivision (a) of this section, coursework which meets the standard of relevance to pharmacy practice and has been approved for continuing education by the Medical Board of California, the California Board of Podiatric Medicine, the California Board of Registered Nursing or the Dental Board of California shall, upon satisfactory completion, be considered approved continuing education for pharmacists.
- c. A pharmacist serving on a designated subcommittee of the board for the purpose of developing the California Practice Standards and Jurisprudence Examination for pharmacists pursuant to section 4200.2 of the Business and Professions Code may annually be awarded up to six hours of continuing education for conducting a review of exam test questions. A subcommittee member shall not receive continuing education hours pursuant to this subdivision if that subcommittee member requests reimbursement from the board for time spent conducting a review of exam test questions.
- (d) A pharmacist or pharmacy technician who attends a full day board meeting may be awarded six hours of continuing education per renewal period. The board shall designate on its public agenda which day shall be eligible for continuing education credit. A pharmacist or pharmacy technician requesting continuing education pursuant to this subdivision must sign in and out on an attendance sheet at the board meeting that requires the individual to provide his or her first and last name, license number, time of arrival and time of departure from the meeting.
- (e) A pharmacist or pharmacy technician who attends a full committee meeting of the board may be awarded two hours of continuing education per renewal period. A pharmacist or pharmacy technician requesting continuing education hours pursuant to this subdivision must sign in and out on an attendance sheet at the committee meeting that requires the individual to provide his or her first and last name, license number, time of arrival and time of departure from the meeting.
- (f) An individual may be awarded three hours of continuing education for successfully passing the examination administered by the Commission for Certification in Geriatric Pharmacy.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Section 4232, Business and Professions Code.

Attachment 2c

To Amend Section 1732.05 of Article 44 of Division 17 of Title 16 of the California Code of Regulations to read as follows:

1732.05. Accreditation Agencies for Continuing Education.

(a) The following organizations are approved as accreditation agencies:

- (1) The Accreditation Council for Pharmacy Education.
- (2) ~~The Pharmacy Foundation of California.~~ The California Pharmacists Association.

(b) Accreditation agencies shall:

- (1) Evaluate each continuing education provider seeking accreditation in accordance with the provider's ability to comply with the requirements of section 1732.1 of this Division.
 - (2) Maintain a list of the name and address of person responsible for the provider's continuing education program. The accreditation agency shall require that any change in the responsible person's identity shall be reported to the accreditation agency within 15 days of the effective date of the change.
 - (3) Provide the board with the names, addresses and responsible party of each provider, upon request.
 - (4) Respond to complaints from the board, providers or from pharmacists concerning activities of any of its accredited providers or their coursework.
 - (5) Review at least one course per year offered by each provider accredited by the agency for compliance with the agency's requirements and requirements of the board and, on request, report the findings of such reviews to the board.
 - (6) Take such action as is necessary to assure that the continuing education coursework offered by its providers meets the continuing education requirements of the board; and
 - (7) Verify the completion of a specific continuing education course by an individual pharmacist upon request of the board.
- (c) Substantial failure of an approved accreditation agency to evaluate continuing education providers as set forth in subdivision (b) shall constitute cause for revocation of its approval as an accreditation agency by the board.

Authority cited: section 4005, Business and Professions Code. Reference: section 4232, Business and Professions Code.

Attachment 3

Proposed Legislation for Issuing Licenses with a letter of reprimand
with changes in underline from Legal Counsel

Add Business and Professions Code section 4310.5 as follows:

- (a) Notwithstanding subdivision (c) Section 4300, the board may issue a license to an applicant who has committed minor violations that the board deems, in its discretion, do not merit the denial of a certificate or require probationary status under Section 4300, and may concurrently issue a public letter of reprimand.
- (b) The letter of reprimand shall be in writing and shall describe in detail the nature and facts of the violation, including a reference to the statutes or regulations violated.
- (c) The letter of reprimand shall inform the licensee that within 30 days of service of the letter of reprimand the licensee may do either of the following:
 - (1) Submit a written request for an office conference to the executive officer of the board to contest the letter of reprimand.
 - (A) Upon a timely request, the executive officer, or his or her designee, shall hold an office conference with the licensee or the licensee's legal counsel or authorized representative. Unless so authorized by the executive officer, or his or her designee, no individual other than the legal counsel or authorized representative of the licensee may accompany the licensee to the office conference.
 - (B) Prior to or at the office conference, the licensee may submit to the executive officer declarations and documents pertinent to the subject matter of the letter of reprimand.
 - (C) The office conference is intended to be an informal proceeding and shall not be subject to the provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code).
 - (D) The executive officer, or his or her designee, may affirm, modify, or withdraw the letter of reprimand. Within 14 calendar days from the date of the office conference, the executive officer, or his or her designee, shall personally serve or send by certified mail to the licensee's address of record with the board a written decision. This decision shall be deemed the final administrative decision concerning the letter of reprimand.
 - (E) Judicial review of the decision may be had by filing a petition for a writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure within 30 days of the date the decision was personally served or sent by certified mail. The judicial review shall extend to the question of whether or not there was a prejudicial abuse of discretion in the issuance of the letter of reprimand.
 - (2) Accept the letter of reprimand. The board shall inform the licensee that the letter of reprimand shall be purged after three years if no letter of admonishment, citation, notice of correction, or disciplinary action is initiated by the board.

- (d) The letter of reprimand shall be served upon the licensee personally or by certified mail at the applicant's address of record with the board. If the applicant is served by certified mail, service shall be effective upon deposit in the United States mail.
- (e) A public letter of reprimand issued concurrently with a board license shall be purged three years from the date of issuance if no letter of admonishment, citation, notice of correction, or disciplinary action is initiated by the board during the three-year period.
- (f) A public letter of reprimand issued pursuant to this section shall be disclosed to an inquiring member of the public and shall be posted on the board's Internet Web site.
- (g) Nothing in this section shall be construed to affect the board's authority to issue an unrestricted license.

Attachment 4

3. Examination Requirements

State	Examinations				Does State Participate in NAPLEX Score Transfer Program?	Validity Period for a NAPLEX Score Transfer?
	NAPLEX®	MPJE®	Non-MPJE Law Examination	Other		
Alabama	Yes	Yes	No	Interview	Yes	1 year
Alaska	Yes	Yes	No	No	Yes	1 year
Arizona	Yes	Yes	No	No	Yes	1 year
Arkansas	Yes	No	Yes	No	Yes	1 year
California	Yes	No	Yes E	No	Yes J	N/A
Colorado	Yes	Yes	No	No	Yes	1 year
Connecticut	Yes	Yes	No	C, G	Yes	1 year
Delaware	Yes	Yes	No	No	Yes	1 year
District of Columbia	Yes	Yes	No	No	Yes	1 year
Florida	Yes	Yes	No	No	Yes	3 years
Georgia	Yes	Yes	No	Yes H	Yes	None
Guam	Yes	No	Yes	Interview	Yes	Not addressed
Hawaii	Yes	Yes	No	No	Yes	Not addressed
Idaho	Yes	Yes	No	No	Yes	1 year
Illinois	Yes	Yes	No	No	Yes	1 year
Indiana	Yes	Yes	No	No	Yes	1 year
Iowa	Yes	Yes	No	No	Yes	1 year
Kansas	Yes	Yes	No	No	Yes	1 year
Kentucky	Yes	Yes	No	No	Yes	1 year
Louisiana	Yes	Yes	No	No	Yes D	1 year
Maine	Yes	Yes	No	No	Yes	1 year
Maryland	Yes	Yes	—	Yes L	Yes	1 year
Massachusetts	Yes	Yes	No	No	Yes	1 year
Michigan	Yes	Yes	No	No	Yes	Not addressed
Minnesota	Yes	Yes	No	No	Yes	1 year
Mississippi	Yes	No	Yes	No	Yes	1 year I
Missouri	Yes	Yes	No	No	Yes D	Indefinite
Montana	Yes	Yes	No	No	Yes	1 year
Nebraska	Yes	Yes	No	No	Yes	1 year
Nevada	Yes	Yes	No	No	Yes	1 year
New Hampshire	Yes	Yes	No	No	Yes	1 year †
New Jersey	Yes	Yes	No	No	Yes	None
New Mexico	Yes	Yes	No	No	Yes	Not addressed
New York	Yes	Yes	No	Yes H	Yes	5 years
North Carolina	Yes	Yes	No	No	Yes	2 years
North Dakota	Yes	Yes	No	Yes F, K, M	Yes	3 years
Ohio	Yes	Yes	No	No	Yes	1 year
Oklahoma	Yes	No	Yes	Interview	Yes	1 year
Oregon	Yes	Yes	No	No	Yes	1 year
Pennsylvania	Yes	Yes	No	—	Yes	6 months
Puerto Rico	Yes B	No	Yes A	No	Yes	3 years
Rhode Island	Yes	Yes	No	No	Yes	6 months
South Carolina	Yes	Yes	No	No	Yes	1 year
South Dakota	Yes	Yes	No	Interview	Yes	1 year
Tennessee	Yes	Yes	No	No	Yes	1 year
Texas	Yes	Yes	No	No	Yes	2 years
Utah	Yes	Yes	No	No	Yes	1 year
Vermont	Yes	Yes	No	—	Yes	1 year
Virginia	Yes	No	Yes I	—	Yes	1 year
Washington	Yes	Yes	No	No	Yes	1 year
West Virginia	Yes	Yes	No	K	Yes	1 year
Wisconsin	Yes	Yes	No	No	Yes	1 year
Wyoming	Yes	Yes	No	No	Yes	1 year

Colored text denotes change from 2010 edition.

† Other comments noted in 2010 edition no longer apply.

3. Examination Requirements (cont.)

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Laws in all states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands require applicants for licensure to (1) graduate from an accredited first professional degree program of a college of pharmacy; and (2) pass an examination given by the board of pharmacy. All states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands use the North American Pharmacist Licensure Examination® (NAPLEX®).

The Pre-NAPLEX®, a practice examination, will familiarize pharmacy students and graduates with the NAPLEX testing experience. Accessible through www.nabp.net and www.pre-naplex.com, students can sit for the practice examination 24 hours a day, seven days a week from any location with Internet access. The fee for the Pre-NAPLEX is \$50 per attempt. There are two forms and the test can be taken twice. See the NABP Web site for more information.

LICENSING
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- | | | | |
|---|--|---|---|
| A | — State law examination prepared by the Board. | F | — Oral patient consultation examination. |
| B | — Candidate may choose to take the NAPLEX or an examination prepared by the Board. | G | — Plus pharmaceutical calculations examination. |
| C | — General Pharmacy Practice Examination, including Dispensing Laboratory Examination. (CT – Does not include Dispensing Laboratory Examination.) | H | — Practical examination. (GA – Wet laboratory examination/errors and omission examination. NY – Candidates who enter approved residencies may apply for a waiver of the practical examination.) |
| D | — State will score transfer on a reciprocal basis with any other state that will accept its scores. | I | — Combined state/federal law examination. |
| E | — In addition, examination must contain items to demonstrate a candidate's proficiency in patient communication as well as aspects of contemporary standards of practice in California, including the provision of pharmacist care and the application of clinical knowledge that are not evaluated by the NAPLEX. | J | — If score was earned after January 1, 2004. |
| | | K | — Errors and Omissions Examination. |
| | | L | — Pre-screening examination of oral English competence unless individual has taken TOEFL® or TSE®. |
| | | M | — Practice examination prepared by the Board. |

NABPLAW Online Search Terms

Examination Requirements (type as indicated below)

- ◆ jurisprudence & examination
- ◆ licensure & examination & requirements
- ◆ NAPLEX | MPJE | "National Association of Boards of Pharmacy Licensure Examination" | "Multistate Pharmacy Jurisprudence Examination"
- ◆ NAPLEX | MPJE | "North American Pharmacist Licensure Examination" | "Multistate Pharmacy Jurisprudence Examination"
- ◆ score & transfer

4. Pharmacy Practice Experience Hour Requirements

Table 4 responds to the following questions:

1. Number of hours of practical experience required by the Board?
2. Number of hours of practical experience required post graduation?
3. In which academic year does Board recognition of pharmacy internship/externship credit begin?
4. Number of hours of college-supervised experience recognized by the Board?

State	1.	2.	3.	4.
Alabama	1,500 B	—	first professional year	1,500 hours internship may be obtained through a college-structured or nonstructured program, all under the supervision of a registered preceptor. 400 hours of the minimum total requirement must be obtained after completing the requirements of the third professional year. The 400 hours must be completed in a traditional setting, so emphasis is on distribution of medicines, prescriptions, and medical supplies.
Alaska	1,500 B	None	after third year of a five- or six-year program	1,500 hours internship required by Board. Maximum of 1,000 hours completed in conjunction with educational requirement of the college of pharmacy.
Arizona	1,500 B	None	first professional year	1,500 hours.
Arkansas	2,000	None	first professional year	Actual hours accepted for internship in conjunction with year of academic credit, 1,500 hours for PharmD program. Additional internship credit accepted while enrolled in school, but not in class.
California	1,500 C	None	first professional year	Minimum of 900 hours internship time in a pharmacy under a pharmacist's supervision; 600 hours granted at Board's discretion, which may include 600 hours clinical clerkship.
Colorado	1,500	None	first professional year	1,500 hours.
Connecticut	1,500	None	after the completion of the second professional year	1,500 internship hours while enrolled in ACPE-accredited college of pharmacy. Maximum of 40 hours per week. While enrolled not more than 400 hours can be obtained from noncollege of pharmacy traditional experience.
Delaware	1,500	None	first professional year	Full credit for college-supervised programs.
Dist. of Columbia	1,500/1,000 B	—	first professional year	1,000 internship hours while enrolled.
Florida	2,080 (varies) D	—	first professional year	Varies.
Georgia	1,500 B	—	first professional year	1,000 hours for PharmD program.
Guam	1,500 C	None	after completion of third academic year	1,500 hours.
Hawaii	1,500 C	None	after successful completion of first professional year	1,500 hours.
Idaho	1,500 B	None	admission to a college of pharmacy	1,500 hours.
Illinois	400 B	None	first professional year	400 hours internship in conjunction with academic credit.
Indiana	1,500	None	first professional year	The number of hours required by an ACPE- or CCAPP-accredited college of pharmacy or other Board-approved experiential program. For those who have not graduated from such a program, 1,500 hours.
Iowa	1,500 B	None	after one semester within a college of pharmacy	1,250 hours internship in conjunction with academic credit; additional 250 hours required in traditional hospital or general pharmacy outside academia.

Colored text denotes change from 2010 edition.

4. Pharmacy Practice Experience Hour Requirements (cont.)

Table 4 responds to the following questions:

1. Number of hours of practical experience required by the Board?
2. Number of hours of practical experience required post graduation?
3. In which academic year does Board recognition of pharmacy internship/externship credit begin?
4. Number of hours of college-supervised experience recognized by the Board?

State	1.	2.	3.	4.
Kansas	1,500 B	None	admission to a college of pharmacy	1,500 hours required by Board.
Kentucky	1,500	None	admission to a college of pharmacy	Credit shall be awarded for each hour of successful completion of an academic experience program at a college or school of pharmacy approved by the Board.
Louisiana	1 yr C 1,500 B	None	first professional year	Maximum credit of 1,000 hours for structured program.
Maine	1,500	None	first professional year	1,500 hours. At least 500 hours must be completed in the United States.
Maryland	1,560/1,000	None	first professional year	University of Maryland or Howard University College of Pharmacy students up to 1,000 hours; college of pharmacy students from other United States pharmacy schools up to 1,560 hours.
Massachusetts	1,500	None	after completion of second year	1,500 hours required by Board of which at least 1,000 hours has been acquired in a pharmacy or pharmacy-related setting approved by the Board.
Michigan	1,000	None	first professional year	40 hours a week while enrolled but not in classes; 16 hours a week while attending classes. Board-approved practical experience within college program varies by college. 1,000 hours required.
Minnesota	1,600	None	after first professional year	400 hours while attending classes; 1,600 hours allowed by Board. 800 hours must be actual dispensing hours.
Mississippi	1,600	None	first professional year	Up to 800 hours while enrolled but not in classes; 800 hours in conjunction with academic credit.
Missouri	480/1,500	None	after 30 hrs of college of pharmacy	480 hours required for those attending in-state pharmacy schools only. 1,500 hours required for those attending out-of-state pharmacy schools or for foreign graduates.
Montana	1,500 B	None	enrollment in professional program	1,500 hours in conjunction with academic credit.
Nebraska	1,500 B	None	first professional year	Up to 1,500 hours for a PharmD degree in conjunction with academic credit.
Nevada	1,500 C	None	enrollment in professional program	1,500 hours required by Board.
New Hampshire	1,500 B, C	None	summer preceding first professional year	Full credit for college-supervised programs.
New Jersey	1,000 B	Varies	first professional year	Varies. 1,000 hours required by regulation.
New Mexico	2,150 B	None	after 30 semester hrs of college of pharmacy credit	1,650 hours.
New York	6 mos B (1,040 hrs)	None	after first professional year	Graduates of registered or accredited programs leading to the doctor of pharmacy degree shall be considered to have completed the internship requirement.
North Carolina	1,500 D	None	after second academic year	Actual hours worked.
North Dakota	1,500	None	after first academic year	1,500 hours required by rule.

Colored text denotes change from 2010 edition.

4. Pharmacy Practice Experience Hour Requirements (cont.)

Table 4 responds to the following questions:

1. Number of hours of practical experience required by the Board?
2. Number of hours of practical experience required post graduation?
3. In which academic year does Board recognition of pharmacy internship/externship credit begin?
4. Number of hours of college-supervised experience recognized by the Board?

State	1.	2.	3.	4.
Ohio	1,500 B	None	after successful completion of 60 semester hrs or 90 quarter hrs of college and beginning professional classes	Board-approved hours. Graduates of registered or accredited programs leading to the doctor of pharmacy degree shall be considered to have completed the internship requirement.
Oklahoma	1,500	None	first professional year	Up to 1,500 hours.
Oregon	1,440 E	None	enrolled in a course of study and in good academic standing at a school or college of pharmacy approved by the Board.	1,440 hours required by the Board. E
Pennsylvania	1,500	None	A	Up to 750 hours in conjunction with academic credit.
Puerto Rico	1,500	None	first professional year	1,500 hours. At least 500 of the hours must be in community pharmacy.
Rhode Island	1,500	None	first professional year	1,500 hours required by Board.
South Carolina	1,500 C	None	three months prior to entering pharmacy school	Up to 1,000 hours in conjunction with academic credit.
South Dakota	2,000 B	None	first professional year	1,740 hours.
Tennessee	1,500 B	None	first professional year	1,100 hours in conjunction with academic credit; 400 hours may be obtained through nontraditional programs.
Texas	1,500 B	None	upon enrollment in a Texas school or college of pharmacy whose professional degree program has been accredited by ACPE and approved by the Board or after a student has successfully completed the first professional year with a minimum of 30 credit hours towards a professional degree in pharmacy.	Pharmacist interns completing a Board-approved Texas-college-based structured internship will be awarded the number of hours actually obtained. No credit shall be awarded for didactic experience.
Utah	1,500 C	None	first professional year	900 hours in conjunction with academic credit. At least 120 hours each in community, hospital, and one other pharmacy practice setting.
Vermont	1,500 C	None	first professional year	Up to 1,000 hours in conjunction with academic credit. F
Virginia	1,500	None	Upon enrollment in an ACPE-accredited school of pharmacy when practical experience conforms to current ACPE standards.	1,500 hours within an ACPE-accredited program that must be gained within the US.
Washington	1,500	None	after first quarter/semester of pharmacy education	1,200 hours in conjunction with academic credit.
West Virginia	1,500 C	None	upon pharmacy school enrollment	800 hours allowed by the Board.
Wisconsin	1,500 B	None	second year of pharmacy school curriculum	Up to 1,500 pharmacy school hours for a PharmD program.
Wyoming	1,200 B	None	P1 year once academic studies have begun. P4 clinical clerkship fulfills 1,200 hour requirement.	1,200 hours of college-supervised clinical clerkship.

Colored text denotes change from 2010 edition.

4. Pharmacy Practice Experience Hour Requirements (cont.)

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All jurisdictions require candidates for licensure to have a record of practical experience or internship training acquired under the supervision and instruction of a licensed practitioner.

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- A — Applicant must successfully complete two years of pharmacy college or an accredited program leading to transfer into the third year of a pharmacy college in which the applicant is enrolled or accepted.
- B — Required by rule or regulation.
- C — Required by statute.
- D — Applicants with ACPE-accredited PharmD received after January 1, 2001, are deemed to have met internship requirements for licensure.
- E — Starting with graduating class of 2011.
- F — New change effective January 1, 2012 – 1,740 hours will be required, of which 1,240 hours in conjunction with academic credit will be acceptable.

LICENSING
LAW

NABPLAW Online Search Terms

Practical Experience: Internship Hours (*type as indicated below*)

- ◆ interns & requirements
- ◆ internship & hours
- ◆ internship & licensure & requirements
- ◆ practical & experience & requirements

Attachment 5

Board of Pharmacy Licensing Statistics - Fiscal Year 2011/12

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN*	FYTD
APPLICATIONS													
Received													
Pharmacist (exam applications)	153	144	105	119	191	80	92	67	108				1059
Pharmacist (initial licensing applications)	149	449	90	381	161	102	106	51	64				1553
Intern pharmacist	36	474	389	296	63	59	112	95	163				1687
Pharmacy technician	929	1127	1054	383	541	476	767	734	959				6970
Pharmacy	23	35	27	14	22	42	28	33	24				248
Pharmacy Exempt	0	0	1	0	0	0	0	1	0				2
Pharmacy - Temp	11	14	6	0	6	19	8	0	6				70
Sterile Compounding	0	9	2	4	7	11	3	4	3				43
Sterile Compounding - Exempt	0	0	0	0	0	0	0	0	0				0
Sterile Compounding - Temp	0	4	0	0	0	5	0	0	2				11
Nonresident Sterile Compounding	1	1	2	0	0	0	1	3	0				8
Clinics	3	3	9	3	8	0	6	14	8				54
Clinics Exempt	0	0	2	0	0	0	0	1	0				3
Hospitals	1	1	0	0	1	0	0	0	0				3
Hospitals Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals - Temp	0	0	0	0	0	0	0	0	0				0
Drug Room	0	0	0	0	0	0	0	0	0				0
Drug Room Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Pharmacy	4	5	5	2	10	55	6	6	6				99
Nonresident Pharmacy - Temp	1	0	3	0	0	45	0	0	2				51
Licensed Correctional Facility	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes	0	2	0	3	6	0	0	0	2				13
Hypodermic Needle and Syringes Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	7	11	7	5	15	14	4	11	18				92
Nonresident Wholesalers - Temp	1	0	0	0	0	8	0	0	0				9
Wholesalers	5	8	10	6	9	19	5	4	4				70
Wholesalers Exempt	0	0	0	0	0	0	0	1	0				1
Wholesalers - Temp	1	1	0	0	1	0	0	0	1				4
Veterinary Food-Animal Drug Retailer	0	0	1	0	0	0	0	0	0				1
Veterinary Food-Animal Drug Retailer - Temp	0	0	0	0	0	0	0	0	0				0
Designated Representatives	53	53	67	12	39	40	39	46	42				391
Designated Representatives Vet	0	1	1	0	0	0	0	2	0				4
Total	1378	2342	1781	1228	1080	975	1177	1073	1412	0	0	0	12446

Board of Pharmacy Licensing Statistics - Fiscal Year 2011/12

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN*	FYTD
Issued													
Pharmacist	125	437	113	338	150	143	120	53	58				1537
Intern pharmacist	40	229	296	386	181	126	101	99	114				1572
Pharmacy technician	554	730	1200	1362	870	709	549	780	1023				7777
Pharmacy	18	22	27	29	7	8	18	22	23				174
Pharmacy - Exempt	0	0	1	0	0	0	0	0	1				2
Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Sterile Compounding	2	2	2	1	4	4	5	4	1				25
Sterile Compounding - Exempt	0	0	0	0	0	0	0	0	0				0
Sterile Compounding - Temp	0	0	0	0	0	0	0	0	0				0
Nonresident Sterile Compounding	2	2	4	1	1	0	1	1	2				14
Clinics	1	2	7	1	4	2	2	4	6				29
Clinics Exempt	1	0	0	2	0	0	0	1	0				4
Hospitals	1	0	0	0	1	2	0	1	0				5
Hospitals Exempt	0	0	0	0	0	0	0	0	0				0
Hospitals - Temp	0	0	0	0	0	0	0	0	0				0
Drug Room	0	0	1	0	0	0	0	0	0				1
Drug Room Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Pharmacy	3	1	5	4	8	4	4	9	2				40
Nonresident Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Licensed Correctional Facility	1	0	0	0	0	0	0	0	0				1
Hypodermic Needle and Syringes	3	2	2	0	0	1	1	1	0				10
Hypodermic Needle and Syringes Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	9	10	6	8	7	1	11	8	3				63
Nonresident Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Wholesalers	4	5	10	15	1	11	2	1	4				53
Wholesalers Exempt	0	1	0	0	0	0	0	0	0				1
Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer	0	0	0	0	0	0	1	0	0				1
Veterinary Food-Animal Drug Retailer - Temp	0	0	0	0	0	0	0	0	0				0
Designated Representatives	30	51	65	41	42	27	26	42	32				356
Designated Representatives Vet	0	0	2	2	1	0	0	0	1				6
Total	794	1494	1741	2190	1277	1038	841	1026	1270	0	0	0	11671

Board of Pharmacy Licensing Statistics - Fiscal Year 2011/12

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FYTD
Pending													
Pharmacist (exam applications)	721	538	566	560	530	495	497	479	394				394
Pharmacist (eligible)	1407	1218	163	922	821	744	675	725	611				611
Intern pharmacist	146	358	475	382	260	190	113	107	133				133
Pharmacy technician	4712	4701	4681	3839	3275	2987	3108	2772	2573				2573
Pharmacy	80	89	84	76	91	122	126	114	114				114
Pharmacy - Exempt	0	0	0	0	0	0	0	1	1				1
Pharmacy - Temp	0	0	0	0	0	0	0	0	0				0
Sterile Compounding	8	15	15	19	22	27	22	18	19				19
Sterile Compounding - Exempt	0	0	0	0	0	0	0	0	0				0
Sterile Compounding - Temp	0	0	0	0	0	0	0	0	0				0
Nonresident Sterile Compounding	13	12	10	9	8	8	13	13	10				10
Clinics	7	8	10	14	18	15	19	20	21				21
Clinics - Exempt	7	7	9	7	7	7	20	7	7				7
Hospitals	2	2	3	5	4	1	7	1	2				2
Hospitals - Exempt	0	0	0	0	0	0	2	0	0				0
Hospitals - Temp	0	0	0	0	0	0	0	0	0				0
Drug Room	2	2	1	0	1	1	0	1	1				1
Drug Room - Exempt	0	0	0	0	0	0	1	0	1				1
Nonresident Pharmacy	44	45	45	47	47	95	0	56	94				94
Nonresident Pharmacy - Temp	0	0	0	0	0	0	97	0	0				0
Licensed Correctional Facility	0	0	0	0	0	0	0	0	0				0
Hypodermic Needle and Syringes	7	7	5	9	14	13	0	11	12				12
Hypodermic Needle and Syringes - Exempt	0	0	0	0	0	0	13	0	0				0
Nonresident Wholesalers	77	79	81	82	92	103	87	85	99				99
Nonresident Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Wholesalers	52	55	55	45	54	62	66	56	56				56
Wholesalers - Exempt	2	1	1	1	1	1	1	2	2				2
Wholesalers - Temp	0	0	0	0	0	0	0	0	0				0
Veterinary Food-Animal Drug Retailer	0	0	1	0	1	1	0	0	0				0
Veterinary Food-Animal Drug Retailer - Temp	0	0	0	0	0	0	0	0	0				0
Designated Representatives	237	230	237	209	202	216	204	201	213				213
Designated Representatives Vet	4	5	2	1	0	0	0	2	1				1
Total	7528	7372	6444	6227	5448	5088	5071	4671	4364	0	0	0	4671

Board of Pharmacy Licensing Statistics - Fiscal Year 2011/12

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN*	FYTD
Change of Pharmacist-in-Charge***													
Received	95	145	122	98	205	128	99	134	153				1179
Processed	167	152	66	112	43	39	13	12	3				607
Pending	423	416	472	458	620	709	795	917	1067				1067
Change of Exemptee-in-Charge***													
Received	5	13	14	12	16	16	9	6	11				102
Processed	11	23	1	21	20	2	14	8	34				134
Pending	179	169	182	173	169	183	178	176	153				153
Change of Permits													
Received	33	70	68	32	96	43	83	87	75				587
Processed	43	40	28	143	60	13	9	135	117				588
Pending	209	239	279	168	204	234	308	260	218				218
Discontinuance of Business***													
Received	6	13	8	18	25	9	24	27	0				130
Processed	37	2	0	0	0	40	0	0	10				89
Pending	146	144	144	162	187	156	180	207	197				197
	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY*	JUN*	FYTD
Renewals Received													
Pharmacist	1238	1811	1472	1128	1508	1436	1769	1591	1625				13578
Pharmacy technician	1875	2871	2235	1821	2456	2061	2932	2595	2766				21612
Pharmacy	112	246	290	789	219	563	616	837	841				4513
Pharmacy - Exempt	0	0	53	56	1	0	1	0	1				112
Sterile Compounding	8	15	16	16	7	15	20	15	13				125
Sterile Compounding - Exempt	0	0	2	38	22	0	0	0	0				62
Nonresident Sterile Compounding	7	11	13	4	7	0	4	6	9				61
Clinics	63	90	71	64	45	59	111	94	90				687
Clinics - Exempt	3	2	21	112	11	4	1	5	0				159
Hospitals	14	23	23	80	24	26	51	30	35				306
Hospitals - Exempt	0	0	35	43	4	0	1	1	0				84
Drug Room	2	1	0	1	3	2	4	4	4				21
Drug Room - Exempt	0	1	3	9	1	0	1	0	0				15
Nonresident Pharmacy	32	34	22	17	24	26	30	28	44				257
Licensed Correctional Facility	0	0	16	25	1	0	0	0	0				42
Hypodermic Needle and Syringes	14	27	0	26	23	17	31	21	17				176
Hypodermic Needle and Syringes - Exempt	0	0	0	0	0	0	0	0	0				0
Nonresident Wholesalers	38	45	22	46	44	42	48	40	55				380
Wholesalers	32	52	33	26	27	41	35	37	42				325
Wholesalers - Exempt	0	0	2	4	0	1	2	0	0				9
Veterinary Food-Animal Drug Retailer	1	2	2	3	2	3	3	0	2				18
Designated Representatives	165	248	179	145	200	206	268	257	279				1947
Designated Representatives Vet	6	8	1	10	2	2	3	4	7				43
Total	3610	5487	4511	4463	4631	4504	5931	5565	5830	0	0	0	44532

Attachment 6



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

GOVERNOR EDMUND G. BROWN JR.

**STATE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
LICENSING COMMITTEE MEETING
MINUTES**

DATE: April 17, 2012

LOCATION: Department of Consumer Affairs
Headquarters Building II
1625 N. Market Boulevard, Room 186
Sacramento, CA 95834

COMMITTEE MEMBERS

PRESENT: Greg Lippe, Chair
Rosalyn Hackworth, Public Member
Deborah Veale, RPh

COMMITTEE MEMBERS

NOT PRESENT: Ryan Brooks, Public Member

STAFF

PRESENT: Virginia Herold, Executive Officer
Anne Sodergren, Assistant Executive Officer
Kristy Shellans, DCA Staff Counsel
Debbie Anderson, Licensing Manager
Debi Mitchell, Licensing Manager
Tessa Miller, Staff Analyst

Call to Order

Chair Lippe called the meeting to order at 9:37 a.m.

Chair Lippe conducted a roll call. Board Members Hackworth and Veale were present. Board President Stan Weisser was in attendance in the audience.

1. **Review and Discussion to Develop Regulation Requirements to Specify Standards for Agencies that Accredite Licensed Sterile Injectable Compounding Pharmacies (Proposed as 16 California Code of Regulations Section 1751.9)**

Relevant Statutes

California Business and Professions Code section 4127 et seq. establishes a specialized category of pharmacy licensure for pharmacies that are: 1. already licensed pharmacies, and 2. compound injectable sterile drug products. These specialized pharmacies may be either hospital pharmacies or community pharmacies. As a condition of licensure, these pharmacies must be inspected by the board before initial licensure and each year before renewal of the license. This is the only category of board licensure that requires annual inspections as a condition of renewal.

However, there is an exemption in existing law from this specialty category of board licensure for pharmacies if:

- the pharmacy is licensed by the board or the Department of Public Health
AND
- the pharmacy is currently accredited by the Joint Commission on Accreditation of Healthcare Organizations or other private accreditation agencies approved by the board.

Background

In 2003, the Licensing Committee developed criteria for the evaluation of applications by accrediting entities for board approval. It was decided that the evaluation of accrediting agencies for board approval under Business and Professions Code section 4127.1 should be based on the accrediting agency's ability to evaluate the pharmacy's conformance with California law and good professional practice standards and the following factors. Provided below is the general criteria the board initially established in 2003.

1. Periodic inspection -The accrediting entity must subject the pharmacy to site inspection and re-accreditation at least every three years.
2. Documented accreditation standards -The standards for granting accreditation and scoring guidelines for those standards must reflect both applicable California law and sound professional practice as established by nationally recognized professional or standard setting organizations.
3. Evaluation of surveyor's qualifications -The surveyors employed to perform site inspections must have demonstrated qualifications to evaluate the professional practices subject to accreditation.
4. Acceptance by major California payers -Recognition of the accrediting agency by major California payers (e.g., HMOs, PPOs, PBGH, CalPERS).
5. Unannounced inspection of California accredited sites -The board must conduct unannounced inspections of two or more accredited sites and find those sites in satisfactory compliance with California law and good professional practice.
6. Board access to accreditor's report on individual pharmacies.

7. Length of time the accrediting agency has been operating.
8. Ability to accredit out-of-state pharmacies. Non-resident pharmacies are eligible for licensure under the sterile compounding statutes and accreditation should be equally available to both resident and non-resident pharmacies.

Over the past few years the board has reviewed and approved several new accreditation agencies. During the course of its discussion and evaluation, the board has expressed some hesitation in the approval of accreditation agencies that do not incorporate the following items:

1. A pharmacist as a member of the survey team
2. Perform annual inspections
3. Willingness to share information with the board on findings
4. Ensuring conformance with California's requirements for LSCs

As previously discussed by the committee, regulation language is necessary to facilitate implementation of this process. During the last committee meeting members discussed the proposal and suggested several changes to the proposed language.

Following this memo is revised language as well as the relevant portion of the December 2011 Licensing Committee Meeting.

Discussion

Chair Lippe referenced the revised language provided in the meeting materials and recommended approval by the committee.

DCA Staff Counsel Kristy Shellans requested additional time to review the revised language. She advised that she will bring comments for the board's consideration at the May 2012 Board Meeting.

It was the consensus of the committee to postpone further discussion on this issue until the May 2012 Board Meeting to allow for additional review of the revised language.

2. Recommendations for Regulation Changes

a. Proposal to Specify Continuing Education Credit for Pharmacists in Specific Content Areas, Amendment to 16 California Code of Regulations Section 1732.2

Background

For nearly only one year in meetings of this committee and of the board, there has been discussion about requiring continuing education in certain topics. At the February 2012 Board Meeting, the board determined to proceed with a rulemaking to require six of the 30 units required for pharmacist license renewal every two years to be in:

- Emergency/disaster Response

- Patient Consultation
- Maintaining Control of a Pharmacy's Drug Inventory
- Ethics
- Drug Abuse

Discussion

Chair Lippe reviewed the following proposal to require continuing education in certain subject areas.

1732.5. Renewal Requirements for Pharmacists.

- a. Except as provided in section 4234 of the Business and Professions Code and section 1732.6 of this Division, each applicant for renewal of a pharmacist license shall submit proof satisfactory to the board, that the applicant has completed 30 hours of continuing education in the prior 24 months.
- b. Effective July 1, 2013, at least six of the 30 units required for pharmacist license renewal shall be completed in one or more of the following subject areas:
 1. Emergency/Disaster Response,
 2. Patient Consultation,
 3. Maintaining Control of a Pharmacy's Drug Inventory,
 4. Ethics,
 5. Drug Abuse.

Pharmacists renewing their licenses which expire on or after July 1, 2015 shall be subject to the requirements of this subdivision.
- c. All pharmacists shall retain their certificates of completion for four years following completion of a continuing education course.

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4231 and 4232, Business and Professions Code.

Ms. Shellans recommended an amendment to subdivision b(5) to replace "drug" with "substance."

The committee accepted this amendment.

No public comment was provided.

MOTION: Recommend to the board to direct staff to take all steps necessary to initiate a formal rulemaking process to amend 16 California Code of Regulations Section 1732.2 as amended.

M/S: Lippe/Veale

Support: 3 Oppose: 0 Abstain: 0

b. Proposal to Award CE for Attending Board and Committee Meetings, Amendment to 16 California Code of Regulations, Section 1732.2

Background

At the February 2012 Board Meeting, the board withdrew its proposed amendment to CCR 1732.2 to award continuing education (CE) for specific activities. The rulemaking was at that time undergoing review by the Office of Administrative Law, the final step in the regulation adoption process.

The reason the board withdrew the rulemaking was that it wished to reconsider and modify the CE that were to be awarded for attending board and committee meetings each renewal period.

At the February 2012 Board Meeting, the board instead voted to award six units of continuing education per renewal period to a pharmacist or pharmacy technician who attends a full day of a board meeting, and two units of CE per renewal period to a pharmacist or pharmacy technician who attends a committee meeting.

Discussion

Chair Lippe reviewed the following proposed text that adds the new CE amounts. The committee requested that the language be modified to replace use of “continuing education hours” and “continuing education credit” with “continuing education” to remain consistent with the statute. This modification is reflected below.

1732.2. Board Accredited Continuing Education

- (a) Individuals may petition the board to allow continuing education ~~credit hours~~ for specific coursework which is not offered by a provider but meets the standards of Section 1732.3.
- (b) Notwithstanding subdivision (a) of this section, coursework which meets the standard of relevance to pharmacy practice and has been approved for continuing education by the Medical Board of California, the California Board of Podiatric Medicine, the California Board of Registered Nursing or the Dental Board of California shall, upon satisfactory completion, be considered approved continuing education for pharmacists.
- (c) A pharmacist serving on a designated subcommittee of the board for the purpose of developing the California Practice Standards and Jurisprudence Examination for pharmacists pursuant to section 4200.2 of the Business and Professions Code may annually be awarded up to six hours of continuing education ~~hours~~ for conducting a review of exam test questions. A subcommittee member shall not receive continuing education ~~hours~~ pursuant to this subdivision if that subcommittee member requests reimbursement from the board for time spent conducting a review of exam test questions.
- (d) A pharmacist or pharmacy technician who attends a full day board meeting may be awarded ~~up to~~ six hours of continuing education per

~~renewal period on an annual basis.~~ The board shall designate on its public agenda which day shall be eligible for continuing education ~~credit.~~ A pharmacist or pharmacy technician requesting continuing education ~~hours~~ pursuant to this subdivision must sign in and out on an attendance sheet at the board meeting that requires the individual to provide his or her first and last name, license number, time of arrival and time of departure from the meeting.

- (e) A pharmacist or pharmacy technician who attends a full committee meeting of the board may be awarded ~~up to two hours of continuing education per renewal period on an annual basis. A maximum of four continuing education hours may be earned each year by attending the full meetings of two different board committees.~~ A pharmacist or pharmacy technician requesting continuing education ~~hours~~ pursuant to this subdivision must sign in and out on an attendance sheet at the committee meeting that requires the individual to provide his or her first and last name, license number, time of arrival and time of departure from the meeting.
- (f) An individual may be awarded three hours of continuing education for successfully passing the examination administered by the Commission for Certification in Geriatric Pharmacy.

Ms. Shellans advised that subdivision (d) includes a provision to award CE to pharmacy technicians. She stated that although there is no requirement that pharmacy technicians earn CE, this provision is an opportunity for the board to offer CE for technicians to satisfy the Pharmacy Technician Certification Board's requirement.

Public Comment

Philip Swanger, representing the California Society of Health-System Pharmacists (CSHP), spoke in support of the board offering CE to pharmacy technicians. He stated that CSHP also offers pharmacy technician CE accredited by the Accreditation Council for Pharmacy Education (ACPE).

MOTION: Recommend to the board to direct staff to take all steps necessary to initiate a formal rulemaking process to add to and amend 16 California Code of Regulations, Section 1732.2 as amended.

M/S: Lippe/Veale

Support: 3 Oppose: 0 Abstain: 0

c. Proposal to Update Reference to Accreditation Agencies for Continuing Education, Amendment to 16 California Code of Regulations Section 1732.05

Discussion

Executive Officer Virginia Herold provided that the board recently received a request from the California Pharmacists Association requesting a modification to CCR section 1732.05 to reflect the restructuring of the Pharmacy Foundation of California and its transference of duties related to the provision of continuing education to the California Pharmacists Association.

Mr. Lippe reviewed the following proposal:

1732.05. Accreditation Agencies for Continuing Education.

- (a) The following organizations are approved as accreditation agencies:
- (1) The Accreditation Council for Pharmacy Education.
 - (2) ~~The Pharmacy Foundation of California.~~ The California Pharmacists Association.
- (b) Accreditation agencies shall:
- (1) Evaluate each continuing education provider seeking accreditation in accordance with the provider's ability to comply with the requirements of section 1732.1 of this Division.
 - (2) Maintain a list of the name and address of person responsible for the provider's continuing education program. The accreditation agency shall require that any change in the responsible person's identity shall be reported to the accreditation agency within 15 days of the effective date of the change.
 - (3) Provide the board with the names, addresses and responsible party of each provider, upon request.
 - (4) Respond to complaints from the board, providers or from pharmacists concerning activities of any of its accredited providers or their coursework.
 - (5) Review at least one course per year offered by each provider accredited by the agency for compliance with the agency's requirements and requirements of the board and, on request, report the findings of such reviews to the board.
 - (6) Take such action as is necessary to assure that the continuing education coursework offered by its providers meets the continuing education requirements of the board; and
 - (7) Verify the completion of a specific continuing education course by an individual pharmacist upon request of the board.
- (c) Substantial failure of an approved accreditation agency to evaluate continuing education providers as set forth in subdivision (b) shall constitute cause for revocation of its approval as an accreditation agency by the board.

Authority cited: section 4005, Business and Professions Code. Reference:
section 4232, Business and Professions Code.

No public comment was provided.

MOTION: Recommend to the board to direct staff to take all steps necessary to initiate a formal rulemaking process to amend 16 California Code of Regulations Section 1732.05 as amended.

M/S: Lippe/Veale

Support: 3 Oppose: 0 Abstain: 0

3. Proposed Statutory Amendment to Authorize the Board to Issue a Public Reprimand for Violations That Would not Warrant License Denial or Issuance of a Probationary License

Background

Chair Lippe provided that before issuing a license, the board does a background review of all applicants for licensure. He stated that this review is also done on the owners and officers of applicants for site licenses. Chair Lippe explained that there are several components to this review.

Chair Lippe provided that the background review includes mandatory submission of fingerprints, which are reviewed at state and federal levels to determine prior arrests and convictions within and outside California. He stated that the board reviews the reports of arrests and convictions it obtains from the courts and law enforcement agencies before making any licensing decision. Chair Lippe added that the board also asks questions about prior convictions on every application, and collects information from the applicant about these events.

Chair Lippe provided that the board also requires information about prior administrative actions taken by any regulatory agency against an applicant. He stated that it collects this information in several ways, one by requiring responses to specific questions on the applications -- signed under penalty of perjury about the truth of the responses -- that there has been no prior discipline. Increasingly the board also relies upon national HIPDP data base searches to ensure the accuracy of the self reported information collected on the application. Pharmacy technician applications must now submit a "self query report" from the HIPDB to ensure the accuracy of their responses. Chair Lippe advised that a similar requirement for interns and pharmacists technicians has been approved by the board as a regulation and the regulation requirements are undergoing review by the Administration.

Chair Lippe discussed that sometimes the information gained from these background reviews shows serious violations in an applicant's past. He stated that in such cases, when the matters are substantially related to the duties of the license, the board denies the license or may issue a probationary license. Chair Lippe advised that currently, these are the only two options open to the board when making a licensing decision about an application.

Chair Lippe provided that some violations while serious, are not sufficient or are so old that the board would have difficulty in denying the license today based on the violation.

Chair Lippe provided that this issue is faced by all boards when making a licensing decision about an applicant. He reviewed the following Medical Board provision that provides another alternative – issuance of the license, but with a public reproof.

- 2221.05.** (a) Notwithstanding subdivision (a) of Section **2221**, the board may issue a physician's and surgeon's certificate to an applicant who has committed minor violations that the board deems, in its discretion, do not merit the denial of a certificate or require probationary status under Section **2221**, and may concurrently issue a public letter of reprimand.
- (b) A public letter of reprimand issued concurrently with a physician's and surgeon's certificate shall be purged three years from the date of issuance.
- (c) A public letter of reprimand issued pursuant to this section shall be disclosed to an inquiring member of the public and shall be posted on the board's Internet Web site.
- (d) Nothing in this section shall be construed to affect the board's authority to issue an unrestricted license.

Discussion

Chair Lippe reviewed the following staff proposal to seek addition of such a provision to the board's statutory provisions to address this issue:

- 4310.5 (a) Notwithstanding subdivision (c) Section 4300, the board may issue a license to an applicant who has committed minor violations that the board deems, in its discretion, do not merit the denial of a certificate or require probationary status under Section 4300, and may concurrently issue a public letter of reprimand.
- (b) A public letter of reprimand issued concurrently with a board license shall be purged three years from the date of issuance.
- (c) A public letter of reprimand issued pursuant to this section shall be disclosed to an inquiring member of the public and shall be posted on the board's Internet Web site.
- (d) Nothing in this section shall be construed to affect the board's authority to issue an unrestricted license.

Ms. Shellans advised that the letter or reprimand constitutes discipline; and as such, must be approved by the board prior to issuance.

Ms. Veale clarified that the letter of reprimand is an additional option that can be applied to document a violation that does not warrant denial or probation.

Mr. Lippe spoke in opposition to the proposal and questioned the necessity of this option. He discussed that the letter of reprimand would negatively impact the ability of licensees to find employment.

Ms. Sodergren provided that this option will allow the board to acknowledge the significance of the violation and document it for consideration in the event the licensee receives any subsequent discipline.

No public comment was provided.

MOTION: Recommend addition of the provision to authorize the board to issue a public reprimand for violations that would not warrant license denial or issuance of a probationary license to the board's statutory provisions.

M/S: Veale/Hackworth

Support: 2 Oppose: 1 Abstain: 0

4. **Proposed Statutory Amendment to Specify Conditions Under Which Wholesalers May Purchase Drugs from Pharmacies**

Chair Lippe provided that this item will be rescheduled for a future meeting.

5. **Evaluation of the Impact of Changes Incorporated on the Pharmacy Technician Application Form**

Background

Chair Lippe provided that historically a significant majority of pharmacy technician applications were received with deficiencies. He stated that this resulted in delays in processing applications and issuing licenses. Chair Lippe discussed that to remedy this, in October 2011, the board began using a revised pharmacy technician application. He explained that the revised application more clearly specifies the requirements for licensure as well as the information necessary to confirm compliance. Chair Lippe stated that additional changes were made to reduce the likelihood of applicants providing false information to the board.

Chair Lippe provided that Business and Professions Code section 4202(a) specifies an individual is a high school graduate or possesses a general education development

(GED) certificate. He stated that the revised application now requires the applicant to submit an official high school transcript or GED test scores as a result of applicants providing fraudulent documents indicating they had graduated high school.

Chair Lippe provided that California Codes of Regulations section 1793.5(a)(4) now specifies the applicant must provide a sealed original Self-Query Report from the National Practitioner Data Bank Healthcare Integrity and Protection Data Bank (NPDB-HIPDB). He stated that this query validates the information provided by the applicant about their background.

Chair Lippe provided that to ensure more complete applications are received, staff has been reaching out to the pharmacy technician programs notifying them of the revised application and what is required to make an application complete.

Chair Lippe provided that the number of deficient applications the board receives is reducing each month. He stated that in October 2011 79% of applications received were deficient compared to February 2012 where 49% of the applications were deficient. Chair Lippe advised that receiving completed applications allows the board to process applications and issue licenses to qualified applicants more quickly.

Discussion

Assistant Executive Officer Anne Sodergren discussed that board staff will continue to provide outreach to pharmacy technician schools and implement improvements in this area. She stated that it is expected that the application deficiencies will continue to decrease.

No public comment was provided.

6. Review of the Education and Experience Requirements for Pharmacist Licensure in California and other US States

Background

Chair Lippe provided that Business and Professions Code section 4200 establishes the requirements for an applicant to be deemed eligible for the pharmacist licensure examination. He stated that the requirements include the following:

1. At least 18 years of age.
2. Graduation from a school of pharmacy recognized by the board or certification by the Foreign Pharmacy Graduate Examination Committee if the applicant is a graduate from a foreign country.
3. A minimum of 150 semester units, no less than 90 of those must be completed at a school of pharmacy.
4. At least a baccalaureate degree in a course of study devoted to the practice of pharmacy.
5. Completion of 1500 hours of pharmacy practice experience.

6. Pass the North American Pharmacist Licensure Examination and the California Practice Standards and Jurisprudence Examination for Pharmacists.

Chair Lippe provided that over the past several years the committee and board have discussed the requirements for pharmacist licensure, especially in the area of intern hour experience. He reviewed the following comparison of California requirements with several other states in three general areas: examination; education; and experience. Chair Lippe also referenced information collected by the National Association of Boards of Pharmacy that details specific requirements for each state provided in the meeting materials.

Examination

All states require pharmacist examination applicants to pass the North American Pharmacist Licensure Examination (NAPLEX) and all but seven states required the Multistate Pharmacy Jurisprudence Examination (MPJE). California is one of the seven that does not require the MPJE as it has its own California Jurisprudence Pharmacist Examination (CPJE).

Education

Although states vary in the method by which they confirm education, all states require similar education requirements for domestic graduates including graduation from a school of pharmacy by the Accreditation Council for Pharmacy Education (ACPE).

Experience

One area where states vary is in the number of intern hours experience as well as the method by which such experience is verified. The majority of the states require a minimum of 1,500 hours of practice experience. Some state accept hours in conjunction with academic credit and some states accept hours earned and verified by another state board of pharmacy.

Discussion

Ms. Veale discussed that at previous meetings the committee has discussed modifying the intern hours requirement that specifies that an intern pharmacist shall complete 1,500 hours of pharmacy practice before an applicant can apply for the pharmacist licensure examination. She stated that this requirement must be satisfied with a minimum of 900 hours of pharmacy practice experience obtained in a pharmacy and a maximum of 600 hours of pharmacy practice experience substantially related to the practice of pharmacy. Ms. Veale indicated that the board has received proposals from pharmacy students to increase the number of hours that can be earned outside of a pharmacy.

Ms. Herold discussed that the board has discussed this issue for a number of years. She stated that there is no consensus among pharmacy schools as to whether this change should be pursued.

7. Competency Committee Report

California Practice Standards and Jurisprudence Examination for Pharmacists (CPJE)

Chair Lippe provided that the board instituted a quality assurance review of the CPJE effective April 2, 2012. He explained that this process is done periodically to ensure the reliability of the examination. Chair Lippe stated that as of the date of this report, the quality assurance review is still under review. He advised that based on historical patterns, the board anticipates results being released approximately August 2012.

Examination Development

Chair Lippe provided that the Competency Committee workgroups will continue to conduct examination development meetings during the spring of 2012.

No public comment was provided.

8. Licensing Statistics

Chair Lippe referenced the licensing statistics provided in the meeting materials.

Ms. Herold provided an overview of the statistics and advised that processing times have been significantly impacted by furloughs, hiring freezes, and vacancies.

Ms. Sodergren stated that staff will be redirected to process applications for the surge of pharmacist applications expected for pending graduates.

No public comment was provided.

9. Public Comment for Items Not on the Agenda

No public comment was provided.

The meeting was adjourned at 10:24 a.m.