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STATE AND CONSUMERS AFFAIRS AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
ARNOLD SCHWARZENEGGER, GOVERNOR

COMMUNICATION AND PUBLIC EDUCATION COMMITTEE MINUTES

Date: January 8, 2007

Location: Department of Consumer Affairs
El Dorado Conference Room
1625 N. Market Boulevard
Sacramento, CA 95834

Board Members Present: Ken Schell, PharmD, Board Member and Chairperson
Henry Hough, Board Member
D. Timothy Dazé, Board Member

Staff Present: Virginia Herold, Interim Executive Officer
Karen Cates, Assistant Executive Officer
Robert Ratcliff, Supervising Inspector
Anne Sodergren, Legislation and Regulation Manager
Karen Abbe, Public and Licensee Education Analyst

Call to Order

Chairperson Schell called the meeting to order at 1:32 p.m.

Consumer Fact Sheet Series with UCSF's Center for Consumer Self Care

Collaboration between the board and UCSF's Center for Consumer Self Care began in July 2004 with the intention of including pharmacy students in public outreach activities and developing consumer fact sheets. The board later agreed to co-sponsor a joint Web site with the Center for Consumer Self Care to house the approximately 35 fact sheets that would be developed.

The following nine fact sheets have been completed since the beginning of this project, and have been translated into Spanish, Vietnamese and Chinese:

1. Generic Drugs – High Quality, Low Cost
2. Lower Your Drug Costs
3. Is Your Medicine in the News?
4. Did You Know? Good Oral Health Means Good Overall Health
5. Have You Ever Missed a Dose of Medication?
6. What's the Deal with Double Dosing? Too Much Acetaminophen, That's What!
7. Don't Flush Your Medication Down the Toilet!
8. Thinking of Herbals?
9. Diabetes – Engage Your Health Care Team

Bill Soller, PhD, of USCF's Center for Consumer Care has been overseeing this project. At the September 2006 Communication and Public Education Committee meeting, Dr. Soller provided four additional fact sheets for consideration. During that meeting, the committee recommended changes to the fact sheets.

1. An aspirin a day? ...maybe...check it out!
2. Uncommon Sense for the Common Cold
3. Put the Chill on Myths about Colds and Flu
4. Medication Errors – Mistakes happen...Protect yourself!

Ms. Herold introduced the board's new Public and Licensee Education Analyst, Karen Abbe. She stated that Ms. Abbe contacted Dr. Soller regarding additional changes to make to the four fact sheets.

A discussion ensued regarding progress made thus far on the project. One of the key objectives of the fact sheet series was to develop new educational materials for issues emerging in health care for which there was no (or little) written consumer information available. Ms. Herold stated that Ms. Abbe has since identified public outreach material from the FDA and other entities that duplicates some of the topics shown on the list of facts sheets to be developed.

Mr. Hough suggested outreach to other schools to develop suitable materials, to speed development of the fact sheets.

Dr. Soller was unable to attend today's committee meeting due to competing priorities. The committee will reassess the current fact sheet series to ensure that the project does not languish, and that meaningful information is provided to consumers and licensees per the board's strategic plan.

California Health Communication Partnership

The board is a founding member of the California Health Communication Partnership. This group is spearheaded by UCSF's Center for Consumer Self Care to improve the health of Californians. The function of the group is to develop and promote consumer health education programs and activities developed by the members in an integrated

fashion. Other active members of the group are the Medical Board of California, the Food and Drug Administration, CPhA and the California Retailers Association.

Ms. Herold stated that there has not been a meeting of the partnership since September 2006.

There have been three successful major campaigns since the formation of the group. The last campaign ended in fall 2006 and was aimed at educating the public about the need for and importance of breast cancer and prostrate cancer screening. At the September 2006 committee meeting, the partnership intended development of future outreach efforts for generic medicine and diabetes and aspirin. Also under consideration was a public education campaign about pharmacist-to-patient consultation since many consumers are not aware of this requirement and how this can benefit their health. Some form of outreach to educate other health care providers about a pharmacist's requirement to consult would benefit both providers and patients.

A video display of CPhA's "Priceless" was shown during today's meeting as an example of public education that can demonstrate the value of pharmacists' care. The video borrowed heavily on the theme of adding priceless moments to people's lives. In this case, those priceless moments were made possible as a result of pharmaceuticals and specifically the intervention and knowledge of pharmacists.

Update Report of *The Script*

Ms. Herold advised that the January 2007 issue of the board's newsletter, *The Script*, was produced and printed, and was in the process of being mailed to pharmacies and wholesalers. This issue focuses on new laws and regulations. The Pharmacy Foundation of California will publish and mail this newsletter to the state's pharmacists.

Board Analyst Victor Perez graphically designed this issue of *The Script*. This is the second issue of *The Script* designed by Mr. Perez.

A copy of the January 2007 issue is also on the board's Web site.

Development of New Consumer Brochures

The board's Public and Licensee Education Analyst, Karen Abbe, started with the board on December 1st. The restoration of her position reflects the duties of one of two related positions lost during hiring freezes in 2001. Ms. Abbe has begun familiarizing herself with board activities, learning the nuances of the board, and reviewing its consumer education materials.

Ms. Abbe's main focus for the time being will be to develop consumer and licensee educational materials. Retired Annuitant Hope Tamraz will continue to work on *The Script*.

1. Consumer Materials

   Ms. Abbe will soon initiate work on the following projects:

   Board of Pharmacy Informational Brochure

   The board lacks an adequate descriptive brochure about its mandate, jurisdiction, licensees and complaint handling processes. Ms. Abbe is working on two brochures as her first projects – one "overview" brochure, and the other reflecting the board's complaint handling process.

   Prescription Drug Discount Program for Medicare Recipients

   Ms. Abbe will revise the "Prescription Drug Discount Program for Medicare Recipients" brochure that was developed in response to SB 393 (Speier, Chapter 946, Statutes of 1999). This state program allows Medicare recipients to obtain medications at the MediCal price if the patients pay of pocket for the medication. The brochure will mesh with the Medicare Part D Plan benefits that became available to beneficiaries in 2006.

   Information Fact Sheets for Applicants

   The board has a great wealth of information contained in its instructions for the pharmacist exam. However, some applicants do not read this information or perhaps do not retain it. Ms. Abbe will develop fact sheets that include information about applying for the CPJE or a California intern pharmacist license specifically for pharmacists licensed in other states. Another fact sheet will include information regarding how foreign graduates can qualify for a pharmacist license in California.

   Under Review For Possible Development

   Two other brochures may be developed: the Beers list of medications that should not be provided to elderly patients, and an update of Facts About Older Adults and Medicines.

2. Information on Preventing Prescription Errors

   One of the hottest topics in the popular media has been medical errors, including medication errors. The board has been actively involved in a number of activities aimed at reducing errors, including our quality assurance program requirements mandating pharmacies to evaluate every prescription error.

Ms. Herold stated that Ms. Abbe will work to develop a segment of the board's Web site on the subject of medication errors. It will include data such as that presented at the July 2006 Board Meeting on prescription error data identified by the board through investigations of consumer complaints. It will also include information from other sources, such as ways to prevent errors and frequently confused drug names. It will have links to Web sites and other material as well.

Chairperson Schell noted that "medication errors" can be interpreted in many different ways – an error in dose that reaches the patient, an error in substance that may or may not be caught before reaching the patient, an error that causes an adverse reaction to the patient causing him/her to seek medical care, or any number of other errors, some that are fatal.

Mr. Hough noted that patient responsibility is one way to reduce medication errors. He stressed that patients should be compliant by filling their prescriptions and taking them as directed.

Development of New Notice to Consumers as Required by AB 2583 (Nation, Chapter 487, Statutes of 2006)

Assembly Bill 2583 (Nation) was enacted as Chapter 487, Statutes of 2006. The bill requires the board to add to the Notice to Consumers a statement that describes a patient's right to obtain medication from a pharmacy:

1. even if a pharmacist has ethical, moral or religious grounds against dispensing a particular drug, in which case protocols for getting the patient the medication is required.
2. unless based upon the pharmacist's professional training and judgment that dispensing a drug is contrary to law or the drug would cause a harmful drug interaction or otherwise adversely affect the patient's medical condition.
3. unless the medication is out of stock or not available from the pharmacy.
4. unless the patient cannot pay for the medication or pay any required copayment.

The information that must be displayed on the Notice to Consumers must be promulgated in a regulation. At the October Board Meeting, the board voted to create a second poster, both of which would be required to be displayed. As an alternative to displaying the Notice to Consumers poster in a pharmacy, the pharmacy may print the same information on a written receipt (Business and Professions Code Section 4122).

Ms. Herold provided copies of the chaptered version of AB 2583 and two draft notices for consideration – version A and version B. A discussion ensued as to which version would meet the regulatory requirement, and in the best manner. The committee made suggestions to revise the language in version "B" and to advance version "B" (after suggested refinements) to the board for discussion and future release as a proposed regulation.

Ms. Herold also presented several 8½" x 11" poster mock-ups of the Notice to Consumers, created by Victor Perez. It was noted during the meeting that the actual poster size would be larger, which must be displayed in plain view in pharmacies. The committee, and visiting attendees, provided useful feedback on color and format of the posters. The mock-up with a yellow margin and dark black ink appeared to be the most user-friendly and appealing to the eye. Comments were made regarding the red ink for lettering in the current Notice to Consumers. Red ink is problematic for the visually impaired, particularly for people who are color-blind.

Both Notice to Consumers posters should be reprinted, once the regulation language has been formally adopted and approved by the Office of Administrative Law. Ms. Herold proposed a timeline to develop the new Notice to Consumers, which will take approximately one year:

January 8, 2007:	Communication and Public Education Committee makes suggested changes to the required Notice to Consumers
January 31, 2007:	(January Board Meeting): Board reviews, modifies and sets for regulation notice the proposed language
February 15, 2007:	Staff releases the proposed amendments to Section 1707.2 for the required 45 days of public comment
April 18, 2007:	(April Board Meeting): Board adopts final language as a regulation
June 1, 2007:	Board submits rulemaking file to the Department of Consumer Affairs for review
August 1, 2007:	Board submits rulemaking to the Office of Administrative Law for review
October 1, 2007:	OAL approves rulemaking file Board initiates printing of new Notice to Consumers posters (English) Board has regulation language translated into additional languages
November 1, 2007:	Regulation takes effect
December 1, 2007:	Board distributes printed Notice to Consumers posters (English) to California pharmacies Board obtains translated versions and makes them available on our Web site for downloading

Miscellaneous Consumer Issues/Articles in the Media

The committee reviewed various articles published in the media regarding medication issues. Chairperson Schell noted that the subject of unapproved drugs should be considered at the next committee meeting.

Update on the Board's Public Outreach Activities

Chairperson Schell reviewed the board's public outreach activities performed since the October report to the board:

- Supervising Inspector Ming provided information on pharmacy law to 80 pharmacists and pharmacy technicians at a San Mateo Pharmacist Association on September 21,2006.
- Supervising Inspector Ratcliff provided information on pharmacy law to the Sacramento Valley Society of Health System Pharmacists on September 28, 2006.
- Supervising Inspector Nurse provided information about California's pending changes to electronic pedigree requirements at the National EPCglobal conference in Los Angeles on October 19, 2006.
- Board Member Goldenberg served as a speaker at the California Association of Health Facilities Convention on November 13, 2006 in Palm Springs.
- Supervising Inspector Ming provided information about pharmacy law to UCSD student on November 13, 2006.
- Inspector Brenda Barnard and Public and Licensee Education Analyst Karen Abbe provided informational material at the Sacramento AARP-sponsored Ask A Pharmacist event on December 8, 2006.

Future presentations planned:

- Supervising Inspector Ming will provide information on pharmacy law to the Indian Pharmacist Association on January 25, 2007.
- Supervising Inspector Nurse will provide information about California's electronic pedigree requirements at Secure Pharma 2007, the supply chain security conference in Philadelphia to be held January 30-31, 2007.
- Interim Executive Officer Herold will provide information about the Board of Pharmacy as a keynote speaker at the CPhA's House of Delegates during their annual meeting on February 15, 2007.
- Supervising Inspector Ratcliff will provide information on pharmacy law to UCSF students on March 6, 2007.

TCT Newsletter

TCT is the acronym for The Communication Team. The board's TCT exists to improve communication among staff, host staff biannual staff meetings and build and support a strong and positive team spirit for the board. The six members of the TCT are elected by staff and serve for two-year terms.

Ms. Herold provided the committee with a copy of the latest staff newsletter produced by the TCT. This December 2006 issue was the second issue of the newsletter. Graphic design and layout of the newsletter was provided by Victor Perez. This issue

included an article by Supervising Inspector Nurse regarding e-pedigree. It also included several biographies of new board employees, and pictures from the annual staff party. The newsletter is distributed to staff in an electronic format.

Adjournment

There being no additional business, Chairperson Schell adjourned the meeting at 2:55 p.m.