



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

- Date:** March 15, 2023
- Location:** Note: Pursuant to the provisions of Government Code section 11133, neither a public location nor teleconference locations are provided
- Board Members Present:** Seung Oh, Licensee Member, President
Maria Serpa, Licensee Member, Vice President
Indira Cameron-Banks, Public Member
Trevor Chandler, Public Member
Jessica Crowley, Licensee Member
Jose De La Paz, Public Member
Kartikaya "KK" Jha, Licensee Member
Kula Koenig, Public Member
Jason Weisz, Public Member
- Board Members Not Present:** Jignesh Patel, Licensee Member, Treasurer
Renee Barker, Licensee Member
Ricardo Sanchez, Public Member
Nicole Thibeau, Licensee Member
- Staff Present:** Anne Sodergren, Executive Officer
Eileen Smiley, DCA Staff Counsel
Debbie Damoth, Executive Specialist Manger

March 15, 2023

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

President Oh called the Board Meeting to order at approximately 9:04 a.m.

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

President Oh advised all individuals the meeting was being conducted via WebEx. Dr. Oh advised participants watching the webcast they could only observe the meeting. Dr. Oh noted anyone interested in participating in the meeting must join the WebEx meeting using the instructions posted on the Board's website. Department of Consumer Affairs' staff provided general instructions for the WebEx Board Meeting.

Roll call was taken. Board Members present included: Maria Serpa, Licensee Member; Trevor Chandler, Public Member; Jessi Crowley, Licensee Member; Jose De La Paz, Public Member; KK Jha, Licensee Member; Jason Weisz, Public Member; and Seung Oh, Licensee Member. A quorum was established.

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

Members of the public were provided with an opportunity to provide comment for items not on the agenda or agenda items for a future meeting.

The Board heard a comment from a representative of Shaw Yoder Antwih Schmelzer & Lange (SYASL) on behalf of the California State Association of Psychiatrists. The representative advised there were problems with dispensing medication around the country as a result of large opioid settlements. The representative added specifically large retail chains were making it difficult for patients to get medications needed for mental illness. The representative advised protocols were put into place to required psychiatrists and patients to jump through hoops to get medications. The representative requested the Board add to a future agenda an item to discuss and collaboration between the Board, pharmacies, pharmacists, psychiatrists, advocates for the mentally ill and other groups.

The Board heard comments about licensing processing times and pending legislation. Counsel Smiley advised the comments were not appropriate for the agenda item. Ms. Smiley advised to contact the Executive Officer.

Member were asked if they would like to add any items to future agendas. Member Serpa requested to get additional information about the issue raised by the SYASL representative to understand the scope of the issue. President Oh noted it could be discussed and added to a future agenda if needed after being discussed.

Member Cameron-Banks joined the meeting at 9:22 a.m.

III. Recognition and Celebration of Pharmacists Licensed in California for 40 Years and other Recognitions

President Oh reminded members several years ago, the Board changed its recognition program for pharmacists and currently recognizes pharmacists that have been

licensed for 40 or more years. Dr. Oh noted the information was posted on the Board's website and pharmacists were provided with a certificate.

President Oh noted prior to transitioning to remote meetings, the Board routinely provided an opportunity for pharmacists licensed for 40 years to attend a Board meeting and be recognized by the Board. Dr. Oh continued although the Board has returned to remote meetings, the Board would like to provide an opportunity for the Board to recognize pharmacists that have been licensed in California for 40 years.

There were no pharmacists identifying themselves to be recognized for 40 years of service as a pharmacist. President Oh thanked and congratulated pharmacists who had been licensed as a pharmacist for over 40-years. Dr. Oh thanked all pharmacy staff who worked in pharmacy serving the consumers of California.

IV. Discussion, Consideration and Possible Action to Sponsor Legislation to Amend Business and Professions Code section 4427.8 Related to Legislative Report on the Regulation of Automated Drug Delivery Systems

President Oh reported the Board was required to report to the Legislature on the regulation of automated drug delivery systems. Dr. Oh noted as included Business and Professions Code (BPC) section 4427.8, the report was due on or before January 1, 2024, as part of the Board's sunset review evaluation. Dr. Oh added in response to the COVID-19 health emergency, the Board's sunset date was changed; however, a conforming change to align the ADDS legislative report was not made.

President Oh advised staff were recommending sponsorship of a technical change to the language in BPC section 4427.8 to update the due date for submission of the legislative report, to align with the Board's sunset process. Dr. Oh understood that such a change could potentially be facilitated as an omnibus change that could be done through a Legislative Committee sponsored measure. Dr. Oh added being comfortable with the staff recommendation and noted the meeting materials include a possible motion.

Members were provided the opportunity to comment. Member Crowley requested clarification for the report due date being one year before the sunset date. Executive Officer Sodergren clarified the report was typically due one year before the sunset date to allow time for the review during the legislative process.

Motion: Pursue an amendment to Business and Professions Code section 4427.8(b) as follows:

4427.8. ... (b) On or before January 1, ~~2024~~ 2025, as part of the board's sunset evaluation process, and notwithstanding Sections 9795 and 10231.5

of the Government Code, the board shall report to the appropriate committees of the Legislature on the regulation of ADDS units as provided in this article. At a minimum, this report shall require all of the following: ...

M/S: Crowley/Chandler

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

Support: 7 Oppose: 0 Abstain: 1 Not Present: 5

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

VIII. Petitions for Reinstatement of Licensure, Early Termination or Other Modification of Penalty.

Administrative Law Judge Jessica Wall presided over the hearings. Petitions heard by members as a committee included:

- a. Radford K. Henriquez, RPH 61884

The Board took a break from 10:00 a.m. to 10:10 a.m. Roll call was taken. Board Members present included: Maria Serpa, Licensee Member; Trevor Chandler, Public Member; Jessi Crowley, Licensee Member; Jose De La Paz, Public Member; KK Jha, Licensee Member; Jason Weisz, Public Member; and Seung Oh, Licensee Member. A quorum was established.

- b. Henry Nguyen, RPH 52399

Member Cameron-Banks returned to the meeting at approximately 10:21 a.m.

- c. So Hyung Kim, INT 47051
- d. Apothecary Pharmacy, PHY 46250
- e. Ronald Clinton, RPH 46778

The Board took a break from 12:00 p.m. to 12:45 p.m. Roll call was taken. Board Members present included: Maria Serpa, Licensee Member; Indira Cameron-Banks, Public Member; Trevor Chandler, Public Member; Jessi Crowley, Licensee Member; Jose De La Paz, Public Member; KK Jha, Licensee Member; Kula Koenig, Public Member; Jason Weisz, Public Member; and Seung Oh, Licensee Member. A quorum was established.

- f. Afshin Yoram Shamooni, RPH 57014

Counsel Smiley announced pursuant to Government Code section 11126.3 subdivision (a) in addition to the closed session items listed on the agenda, the Board would also be meeting to discuss a recent case entitled Absolute Pharmacy LLC doing business as Absolute Pharmacy and Andreas Dieter Dettlaff versus the California State Board of Pharmacy and Anne Sodergren filed in Los Angeles Superior Court Case Number 22 STCP 04253. Ms. Smiley advised the Board would also be discussing in closed session entitled Joel Abergel and The Druggist Inc. vs. California State Board of Pharmacy, in the Los Angeles Superior Court, case number 21STCP01008.

IX. Closed Session

Open session concluded at approximately 1:40 p.m. The Board entered closed session at approximately 1:50 p.m. and ended closed session at 3:43 p.m. The Board Meeting concluded at approximately 3:43 p.m.