



## Notice of Meeting and Agenda Public Board Meeting October 23-24, 2018

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**DATES & TIMES:** October 23, 2018, at 12:00 p.m.  
October 24, 2018, at 9:00 a.m.

**PLACE:** Radisson Hotel - Fresno Conference Room  
1055 Van Ness Avenue  
Fresno, CA 92732

**WEBCAST:** <https://thedcapage.blog/webcasts>  
(Webcast will be available earliest at 12:00 p.m. on October 23, 2018. See notices below.)

**NOTE:** Pharmacists and pharmacy technicians who attend in person may be awarded 6 hours of CE, in accordance with the Board's CE policy. Sign-in and sign-out on the day of the meeting will be required for the CE credit.

For questions or verification of the meeting, call Laura Hendricks at (916) 574-7918 or access the board's website at [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov).

Meeting materials should be available on the board's website at [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov) by October 17, 2018.

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**Important Notices to the Public:** The meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Laura Hendricks at (916) 574-7917, by emailing [laura.hendricks@dca.ca.gov](mailto:laura.hendricks@dca.ca.gov) or sending a written request to the Board of Pharmacy, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Discussion and action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. In the event a quorum of the board is unable to attend the meeting, or the board is unable to maintain a quorum once the meeting is called to order, the members present may, at the president's discretion, continue to discuss items from the agenda and make recommendations to the full board at a future meeting. The Board plans to webcast this meeting on its website at [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov). Webcast availability cannot, however, be guaranteed due to limited resources or technical difficulties. The meeting will not be cancelled if webcast is not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board or prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issues before the board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

# Agenda

Call to Order

12:00 p.m.

- I. **Call to Order, Establishment of Quorum, and General Announcements**
- II. **Public Comments on Items Not on the Agenda/Agenda Items for Future Meetings**  
*Note: The board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code sections 11125, 11125.7(a)]*
- III. **Approval of the July 24-25, 2018 Board Meeting Minutes**
- IV. **Approval of the September 7, 2018 Board Meeting Minutes**
- V. **Approval of the September 26, 2018 Board Meeting Minutes**
- VI. **Recognition and Celebration of Pharmacists Licensed in California for 50 Years**
- VII. **Recognition of the Retiring Executive Officer**
- VIII. **Discussion and Consideration of Board's Strategic Plan, Including Committee Recommendations for Changes to Committee Goals**
- IX. **Discussion and Consideration of Proposal to Modify Pharmacy Compounding Regulations (Title 16, California Code of Regulations, Sections 1735.1, 1735.2, 1735.6, 1751.1, & 1751.4), Including Review of Public Comments**
- X. **Enforcement and Compounding Committee Related Items**  
The board will review a summary of the committee's efforts at the September 14, 2018 meeting, as well as updates, for discussion and action as necessary.
  - a. Summary of Presentation on the Board's Enforcement Program
  - b. Summary of Presentation on Enforcement Trends
  - c. Summary of Presentation and Discussion on Efforts to Reduce Investigation Times and Case Resolutions
  - d. Summary of Discussion of the Board's Citation and Fine Program
  - e. Summary of Discussion of Convening Administrative Case Hearings Before Board Members
  - f. Summary of Presentation on the Board's Inventory Reconciliation Process and Review of Frequently Asked Questions
  - g. Summary of Update on the University of California San Diego's Experimental Program Regarding Access to Medications from an Automated Drug Delivery System (ADDS) (Pursuant to California Code of Regulations, Title 16, Section 1706.5)
  - h. Summary of Discussion of Federal and State Law Regarding Cannabidiol
  - i. Board's Enforcement Statistics
  - j. Summary of Discussion on Bifurcation of the Enforcement and Compounding Committees
  - k. Future Committee Meeting Dates
- XI. **Discussion and Consideration of Employment of Legal Counsel**

## **XII. Licensing Committee**

The board will review a summary of the committee's efforts at the September 26, 2018 meeting, as well as updates, for discussion and action as necessary.

- a. Summary of Presentation by the California Department of Corrections Providing an Overview of the Correctional Clinic Model as a Result of Assembly Bill 1812 (Statutes of 2018)
- b. Summary of Presentation by California Department of Health Care Services on the Los Angeles Moratorium Relating to New Medi-Cal Numbers
- c. Discussion to Amend Section 1732.5(b) of Title 16, California Code of Regulations, to Require a Pharmacist to Pass the Continuing Education Course Relating to Pharmacy Law
- d. Discussion of Continuing Education Requirements for an Advanced Practice Pharmacist that Includes the Option for an Inactive Status of an Advanced Practice Pharmacist License
- e. Discussion of Amending Business and Professions Code Section 4400, subdivisions (n) and (o), to Regarding the Fees for a Duplicate License or for Updating Licensing Record Information
- f. Discussion of Amending Business and Professions Code Section 4115.5, Regarding Pharmacy Technician Trainee Externship Hour Requirements
- g. Discussion of Establishing Authority to Allow for an Advanced Practice Pharmacist to Provide Medically Assisted Treatment
- h. Licensing Statistics
- i. Future Committee Meeting Dates

## **XIII. Communication and Public Education Committee**

The board will review a summary of the committee's efforts at the October 11, 2018 meeting, as well as updates, for discussion and action as necessary.

- a. Discussion of a Proposal by the Chapman University School of Pharmacy Group to Require a Warning Label on Prescription Containers for Chemotherapy Medications
- b. Update on the Proposal for a Public Service Billboard Message and Related Communications Materials on Prescription Drug Abuse
- c. Discussion of Educational Materials Regarding Drug Take-Back Collection Receptacles and Providing Public Access to Such Information
- d. Update on the Development of Webinar Course to Satisfy the Education Requirement for Pharmacists to Furnish Naloxone
- e. Discussion of Proposal to Establish a Twitter Account for the Board of Pharmacy
- f. Discussion of Frequently Asked Questions Relating to Inventory Reconciliation Reports of Controlled Substances (California Code of Regulations, Title 16, Section 1715.65)
- g. Discussion and Consideration of Granting CE Credit for Reading The Script
- h. Discussion and Consideration of FDA Guidance "Indications and Usage Section of Labeling for Human Prescription and Biological Products – Content and Format"
- i. Discussion and Consideration of Strategic Goals for the Communication and Public Education Committee
- j. Update and Discussion of Communication and Public Education Activities by Board Staff
  1. The Script
  2. New Media
  3. Public Outreach
- k. Review and Discussion of News or Journal Articles
- l. Future Meeting Dates

#### **XIV. Executive Officer's Report**

- a. Biannual Report of the Examination Statistics for the California Practice Standards and Jurisprudence Examination for Pharmacists (CPJE) and the North American Pharmacist Licensure Examination (NAPLEX)
- b. Update on 2018 Intergovernmental Working Meeting on Drug Compounding
- c. Update on National Association of Boards of Pharmacy Executive Officers' Meeting
- d. Update on the California Society of Health Systems Pharmacists Annual Meeting
- e. Discussion and Consideration of FDA's Memorandum of Understanding Relating to Regulation of Pharmacy Compounding
- f. Update on Implementation of the Acceptance of Credit Cards for Renewal Payments
- g. Personnel Update
- h. Update on the Relocation of Board Office
- i. Update on the Controlled Substance Utilization Review and Evaluation System (CURES)

#### **XV. Organizational Development Committee**

- a. Budget Update/Report
- b. Discussion and Consideration of Board's Fund and Proposal to Amend California Code of Regulations Section 1749, Fee Schedule
- c. Board Member Reimbursement and Attendance Information

#### **XVI. Executive Officer Recruitment**

- a. Update Regarding Recruitment Efforts
- b. **Closed Session:** If Necessary, Pursuant to Government Code Section 11126(a), the Board Will Convene in Closed Session to Consider the Appointment or Employment of an Executive Officer.

#### **XVII. Discussion and Consideration of Appointment of Interim Executive Officer**

**Closed Session:** If Necessary, Pursuant to Government Code Section 11126(a)(1), the Board Will Convene in Closed Session to Consider the Appointment or Employment of an Interim Executive Officer.

#### **XVIII. Legislation and Regulation Committee**

The Legislation and Regulation Committee will convene a meeting immediately prior to the board meeting on October 23, 2018. The board will receive a summary of the committee's efforts, as well as updates, for discussion and action as necessary.

##### **Part 1: Legislation for Discussion and Consideration Report**

- a. Board Sponsored/Originated Legislation
  1. AB 1751 (Low) (Chapter 478, Statutes of 2018) Controlled substances: CURES database
  2. AB 1752 (Low) Controlled substances: CURES database
  3. AB 2086 (Gallagher) (Chapter 274, Statutes of 2018) Controlled substances: CURES database
  4. AB 2783 (O'Donnell) (Chapter 589, Statutes of 2018) Controlled substances: hydrocodone combination products: schedules
  5. AB 2789 (Wood) (Chapter 438, Statutes of 2018) Health care practitioners: prescriptions: electronic data transmission
  6. SB 1447 (Hernandez) (Chapter 666, Statutes of 2018) Pharmacy: automated drug delivery systems
- b. Chaptered Legislation Impacting the Practice of Pharmacy or the Board's Jurisdiction
  1. AB 1753 (Low) (Chapter 479, Statutes of 2018) Controlled substances: CURES database

2. AB 1953 (Wood) (Chapter 383, Statutes of 2018) Skilled nursing facilities: disclosure of interests in business providing services
3. AB 2037 (Bonta) (Chapter 647, Statutes of 2018) Pharmacy: automated patient dispensing systems
4. AB 2138 (Chiu/Low) (Chapter 995, Statutes of 2018) Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction
5. AB 2256 (Santiago) (Chapter 259, Statutes of 2018) Law enforcement agencies: opioid antagonist
6. AB 2576 (Aguiar-Curry) (Chapter 716, Statutes of 2018) Emergencies: health care
7. AB 2859 (Caballero) (Chapter 240, Statutes of 2018) Pharmacy: safe storage products
8. AB 2863 (Nazarian) (Chapter 770, Statutes of 2018) Health care coverage: prescriptions
9. SB 212 (Jackson) (Chapter 1004, Statutes of 2018) Solid waste: pharmaceutical and sharps waste stewardship
10. SB 1021 (Wiener) (Chapter 787, Statutes of 2018) Prescription drugs
11. SB 1109 (Bates) (Chapter 693, Statutes of 2018) Controlled substances: Schedule II drugs: opioids
12. SB 1254 (Stone) (Chapter 697, Statutes of 2018) Hospital pharmacies: medication profiles or lists for high-risk patients
13. SB 1442 (Wiener) (Chapter 569, Statutes of 2018) Community pharmacies: staffing

## **Part 2: Regulations for Discussion and Consideration**

- c. Board Approved to Initiate Rulemaking - Undergoing Pre-Notice Review by the Department of Consumer Affairs or the Business, Consumer Services and Housing Agency
  1. Proposed Regulations to Amend Title 16 CCR Section 1709 Related to Pharmacy Ownership, Management, and Control, Including Through Trusts
  2. Proposed Regulations to Amend Title 16 CCR Sections 1780-1783 *et seq.*, Related to Dangerous Drug Distributors and Third-Party Logistics Providers
  3. Proposed Regulations to Amend Title 16 CCR Section 1707 Related to Offsite Storage
  4. Proposed Regulations to Add Title 16 CCR Sections 1717.5 Related to Automatic Refill Programs
  5. Proposed Regulations to Amend Title 16 CCR Section 1706.2 Related to Abandonment of Applications
  6. Proposed Regulations to Amend Title 16 CCR Section 1746.3 Related to the Naloxone Fact Sheet
  7. Proposed Regulations to Amend Title 16 CCR Section 1715 to Update Self-Assessment Forms 17M-13 and 17M-14
  8. Proposed Regulations to Add Title 16 CCR Section 1793.9 Related to Remote Dispensing Technicians
  9. Proposed Regulations to Amend Title 16 CCR Sections 1702, 1702.1, 1702.2, and 1702.5 Related to Renewal Requirements
  10. Proposed Regulations to Amend Title 16 CCR Section 1707.2 Related to Mail-Order Pharmacy Consultation
- d. Board Approved to Initiate Rulemaking – Documents Returned to the Board for Corrections to be Made by Staff
  1. Proposed Regulations to Amend Title 16 CCR Section 1793.5 Related to the Pharmacy Technician Application, Section 1793.6 Related to the Pharmacy Technician Training Requirements and Section 1793.65 Related to the Pharmacy Technician Certification Programs
- e. Board Approved to Initiate Rulemaking – Documents Being Prepared by Board Staff for Pre-Notice Review
  1. Proposed Regulations to Amend Title 16 CCR Section 1784 to Update the Wholesaler/3PL Self-Assessment Form 17M-26

### **Part 3: General Committee Matters**

- f. Discussion and Consideration of Legislation/Regulation Committee Strategic Goals for Fiscal Year 2018/19
- g. Review of Pending Legislative Proposals Previously Approved by the Board
  - 1. Amend Health and Safety Code Section 11165 to Include Schedule V Controlled Substances in CURES Database and Reduce Reporting Requirement Timeframe to One Day
  - 2. Amend Business & Professions Code Section 4200 Relating to the Examination Score Validity Period for the North American Pharmacist Licensure Examination (NAPLEX) and the California Practice Standards and Jurisprudence Examination for Pharmacists (CPJE)
  - 3. Establish an Advanced Pharmacy Technician (APT) Licensure Program
  - 4. Establish an Advanced Hospital Pharmacy Technician (AHT) Licensure Program
  - 5. Amend Business and Professions Code Section 4163 to Allow a Reverse Distributor to Accept Medications for Destruction in Limited Circumstances from a Previously Licensed Source
  - 6. Amend Business and Professions Code Section 4400 Relating to Fees for Government Owned Facilities
- h. Future Meeting Dates

### **XIX. Closed Session Matters**

- a. Pursuant to Government Code Section 11126(c)(3), the Board Will Convene in Closed Session to Deliberate on Disciplinary Matters, Including Proposed Decisions, Stipulated Decisions, Defaults, Petitions for Reductions in Penalty, and Any Other Disciplinary Matters.
- b. Pursuant to Government Code Section 11126(e), the Board Will Convene in Closed Session to Discuss Pending Litigation
- c. Pursuant to Government Code Section 11126(c)(1), the Board Will Convene in Closed Session to Consider the Preparation, Approval, Grading or Administration of One or More Licensing Examination(s)

### **XX. Reconvene Open Session**

**Adjournment**

**Upon conclusion of business**