



California State Board of Pharmacy
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Business, Consumer Services and Housing Agency
Department of Consumer Affairs
Gavin Newsom, Governor



Notice of Teleconference Meeting and Agenda Public Board Meeting

DATES & TIMES: February 6, 2023, 1:00 p.m.
February 7, 2023, 9:00 a.m.

Note: Pursuant to the provisions of Government Code section 11133, neither a public location nor teleconference locations are provided

FOR OBSERVATION ONLY

LIVESTREAM: The Board plans to livestream this meeting on the Department of Consumer Affairs' website at <https://thedcapage.blog/webcasts> Livestream will be available at 1:00 p.m. on February 6, 2022, and 9:00 a.m. February 7, 2023. Using the Livestream link will allow only for observation with closed captioning. Livestream availability cannot, however, be guaranteed due to resource limitations or technical difficulties. The meeting will not be cancelled if Livestream is unavailable. If you wish to participate, please plan to participate via the WebEx option listed above or at teleconference location.

FOR PUBLIC PARTICIPATION AND COMMENT, PLEASE LOG ON TO WEBEX AS SPECIFIED BELOW.:

February 6, 2023 - To access the WebEx event, attendees will need to click the following link and enter a first name, last name, email, and the event password listed below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m8a91aa4e0d52d9b3ca3ab0e86359ddf3>

If joining using the link above

Webinar number: 2497 428 5762

Webinar password: CSBP02062023

If joining by phone

+1-415-655-0001 US Toll

Access code: 249 742 85762

Passcode: 27270206

February 7, 2023 - To access the WebEx event, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=md0791aa34b2e7416ffdc363ca36b7272>

If joining using the link above

Webinar number: 2494 670 6598

Webinar password: CSBP02072023

If joining by phone

+1-415-655-0001 US Toll

Access code: 249 467 06598

Passcode: 27270207

Members of the public participating via WebEx will be able to hear the meeting and provide public comment but may not be able to observe the meeting. The preferred audio connection is via phone bridge. The phone number and access code will be provided as part of your connection to the meeting. General instructions for using WebEx can be found at the end of the agenda.

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will need to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

Important Notices to the Public: The Board of Pharmacy will hold a teleconference meeting via WebEx – access as provided above. General instructions for using WebEx are attached to the agenda. The meeting is open to the public. Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. The meeting 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 Debbie Damoth at (916) 518-3090, by emailing Debbie.Damoth@dca.ca.gov or sending a written request to the Board of Pharmacy, 2720 Gateway Oaks Drive, Suite 100, Sacramento CA 95833. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

The time and order of agenda items are subject to change at the discretion of the Board President. 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 pursuant to Business and Professions Code section 4309(c), to discuss items from the agenda and make recommendations to the full Board at a future meeting.

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 President may, at his discretion, apportion available time among those who wish to speak. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment. 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)). Adjournment, if it is the only item that occurs after a closed session, may not be broadcast in any medium.

Agenda

Discussion and action may be taken on any agenda item.

February 6, 2023

Call to Order

1:00 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. **Recognition and Celebration of Pharmacists Licensed in California for 40 years and other Recognitions**

IV. **Approval Board Meeting Minutes**

- a. October 25-26, 2022, Board Meeting
- b. December 14, 2022, Board Meeting

V. **Standard of Care Ad Hoc Committee Report**

The Board will review a summary of the Committee's work at its November 16, 2022, and February 1, 2023, meetings as well as updates for discussion and action as necessary.

- a. Continuation of Discussion and Consideration of Policy Questions Related to Standard of Care Enforcement Model in the Practice of Pharmacy
- b. Discussion and Consideration of Draft Legislative Report Regarding Assessment of Standard of Care Enforcement Model in the Practice of Pharmacy
- c. Discussion and Consideration of Legislative Proposal Related to Pharmacist Scope of Practice

VI. **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(c)(1), the Board Will Convene in Closed Session to Consider the Preparation, Approval, Grading or Administration of One or More Licensing Examination(s)

VII. **Reconvene Open Session, to adjourn for the Day**

Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow closed session, and there will be no other items of business discussed.

VIII. Communication and Public Education Committee Report

- a. Discussion and Consideration of FAQs about Mobile Units
- b. Update on Communication and Public Education Activities by Staff

IX. Medication Error Reduction and Workforce Committee

The Board will review a summary of some of the Committee's work at its November 16, 2022, meeting as well as updates for discussion and action as necessary.

- a. Summary of Presentation and Discussion of Just Culture
- b. Discussion and Consideration of Appropriate to Initiate Rulemaking to Amend Title 16, California Code of Regulations Section 1711 Related to Quality Assurance Programs.
- c. Discussion and Consideration of Pharmacist Well-Being Index State Report and National Academy of Medicine National Plan for Health Workforce Well-being

X. Enforcement and Compounding Committee Report

The Board will review a summary of the Committee's work at its January 23, 2023, meeting as well as updates for discussion and action as necessary.

- a. Discussion and Consideration and Possible Action on Self-Assessment Forms
 - i. Community Pharmacy/Hospital Outpatient Self-Assessment (17M-13)
 - ii. Hospital Pharmacy Self-Assessment (17M-14)
 - iii. Wholesaler/Third-Party Logistics Provider Self-Assessment (17M-26)
 - iv. Automated Drug Delivery System Self-Assessment (17M-112)
- b. Discussion and Consideration of Barriers to Timely Case Resolutions
- c. Summary of Overview of Federal Requirements for Compounding Under Provisions of 503A
- d. Summary of Presentation on USP General Chapter 825, Regarding Radiopharmaceuticals
- e. Discussion and Consideration and Possible Action on Proposed Addition to Title 16, California Code of Regulations Section Related to Radiopharmaceuticals
- f. Review and Discussion of Enforcement Statistics

XI. Discussion and Consideration and Possible Action Related to Proposed Regulations to Amend title 16, California Code of Regulations Section 1715.1 and Automated Drug Delivery System Self-Assessment (Form 17M-112), Including Comments Received During Public Comment Period

XII. Licensing Committee Report

The Board will review a summary of the Committee's work at its January 24, 2023, Committee Meeting.

- a. Discussion, Consideration and Possible Action on State Protocol Consistent with Provisions of Business and Professions Code section 4052.01 as amended in Senate Bill 1259 (Chapter 245, Statutes of 2022) Including Proposed Amendment to Title 16, California Code of Regulations Section 1746.3

- b. Discussion, Consideration and Possible Action on State Protocol to Facilitate Pharmacist Provided Medication-Assisted Treatment Pursuant to Business and Professions Code section 4052(a)(14), Including Proposed Addition of Title 16, California Code of Regulations Section 1746.6
- c. Discussion and Consideration of Pharmacist Provided HIV Preexposure and Postexposure Prophylaxis, including presentations
- d. Discussion, Consideration and Possible Action on Discontinuance of Business by a Pharmacy and Potential Changes to Title 16, California Code of Regulations Section 1708.2
- e. Discussion and Consideration of Legal Requirements for Nonresident Pharmacies Including Possible Statutory Change to Require Licensure by the Pharmacist-in-Charge
- f. Discussion, Consideration and Possible Action on Continuing Education Requirements for Pharmacists and Pharmacy Technicians, Including Development of Regulation Language to Facilitate Implementation of Recently Enacted Legislation, Including Possible Amendment to Title 16, California Code of Regulations Section 1732.5 and Possible Addition of Section 1732.8
- g. Discussion and Consideration of Business and Professions Code section 4111 Including Possible Changes Related to Ownership Prohibitions
- h. Discussion and Consideration of Provisions for Remote Processing

XIII. Organizational Development Committee Report

- a. Budget Update and Report
- b. Board Member Attendance and Mail Vote Information
- c. Personnel Update
- d. Future Meeting Dates

XIV. Executive Officer Report

- a. Discussion of Board's Response to COVID-19 Pandemic Pending Termination of the State's Declared Emergency
- b. Discussion on Federal PREP Act and the COVID-19 Federal State of Emergency

XV. 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(c)(1), the Board Will Convene in Closed Session to Consider the Preparation, Approval, Grading or Administration of One or More Licensing Examination(s)
- c. Pursuant to Government Code Section 11126(e)(1), the Board Will Convene in Closed Session to Confer with its Legal Counsel Regarding Pending Litigation
 - i. *Absolute Pharmacy LLC dba Absolute Pharmacy LLC; Andreas Dieter Dettlaff v. California Board of Pharmacy, et al.*, Los Angeles Superior Court, (Case No. 22STCP04253).

Reconvene Open Session, if necessary

XVII. Adjournment

Upon conclusion of business

Due to technological limitations, if adjournment follows closed session, such adjournment will not be broadcast. Adjournment will immediately follow closed session, and there will be no other items of business discussed.