



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



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

**Date:** July 28-29, 2021

**Location:** Teleconference Public Board Meeting  
Note: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-08-21, dated June 11, 2021, neither a public location nor teleconference locations are provided.

**Board Members**

**Present:** Seung Oh, Licensee Member, President  
Maria Serpa, Licensee Member, Vice President  
Jignesh Patel, Licensee Member, Treasurer  
Lavanza Butler, Licensee Member  
Jose De La Paz, Public Member  
Shirley Kim, Public Member  
Ricardo Sanchez, Public Member  
Nicole Thibeau, Licensee Member  
Debbie Veale, Licensee Member  
Jason Weisz, Public Member

**Staff Present:** Anne Sodergren, Executive Officer  
Eileen Smiley, DCA Staff Counsel  
Sheila Tatayan, DCA Staff Counsel  
Debbie Damoth, Administration Manager  
Bob Dávila, Public Information Officer

**July 28, 2021**

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

President Oh called the Board Meeting to order at 9:00 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 observing or participating in the meeting that the meeting was being conducted consistent with the provisions of Governor Gavin Newsom's Executive Order N-08-21. Dr. Oh advised participants watching the webcast could only observe the meeting. He 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 for members of the public participating in the meeting.

President Oh advised those participating in the teleconference the Board would convene in closed session after deliberating on the open session items, except adjournment.

President Oh welcomed recently appointed Board Members Jose De La Paz and Nicole Thibeau.

Roll call was taken. Board Members present included Maria Serpa, Jignesh Patel, Lavanza Butler, Jose De La Paz, Shirley Kim, Ricardo Sanchez, Nicole Thibeau, Debbie Veale, Jason Weisz, and Seung Oh. A quorum was established.

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

President Oh reported back to members on an item brought to the Board regarding limitations on certain medications including hydrochloroquine and ivermectin. He noted that this item is not on the agenda and cannot be discussed today. He reported the issue was discussed with staff and counsel. Dr. Oh noted the Board has not imposed restrictions but noted other regulators may have taken such action.

Members of the public were provided with an opportunity to provide comments.

Sandra Martinez commented she is confused because pharmacists are not filling prescriptions for hydrochloroquine and ivermectin.

Richard Fleming, physician, commented it is important to have patients allowed to get medications absent any published data showing detrimental impact to the patient.

A member of the public commented doctors should not be prevented from treating patients with medications and pharmacists shouldn't lose their licenses for filling prescriptions.

Members were provided with an opportunity to add items to the agenda based on public comment; however, no members wanted to add an item to a future agenda.

## **III. Approval Board Meeting Minutes**

a. April 29-30, 2021, Board Meeting

Members were provided with an opportunity to provide comments; however, no comments were made.

**Motion:** Approve the April 29-30, 2021, minutes as presented in the meeting materials.

**M/S:** Sanchez/Veale

Members of the public were provided with an opportunity to provide comments.

Support: 8                      Oppose: 0                      Abstain: 2                      Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
De La Paz	Abstain
Kim	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Abstain
Veale	Support
Weisz	Support

b. May 27, 2021, Board Meeting

Members were provided with an opportunity to provide comments; however, no comments were made.

**Motion:** Approve the May 27, 2021, minutes as presented in the meeting materials.

**M/S:** Patel/Sanchez

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 6                      Oppose: 0                      Abstain: 4                      Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Abstain
De La Paz	Abstain
Kim	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Abstain
Veale	Support
Weisz	Abstain

c. June 17, 2021, Board Meeting

Members were provided with an opportunity to provide comments; however, no comments were made.

**Motion:** Approve the June 17, 2021, minutes as presented in the meeting materials.

**M/S:** Veale/Kim

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 7 Oppose: 0 Abstain: 3 Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
De La Paz	Abstain
Kim	Support
Oh	Support
Patel	Abstain
Sanchez	Support
Serpa	Support
Thibeau	Abstain
Veale	Support
Weisz	Support

**IV. Update from the Department of Consumer Affairs**

President Oh welcomed Deputy Director of Board and Bureau Relations Carrie Holmes. Ms. Holmes addressed the Board with an update from the Department of Consumer Affairs (DCA).

Ms. Holmes welcomed and congratulated Jose De La Paz and Nicole Thibeau as the newest Board Members. Ms. Holmes noted with Dr. Thibeau's appointment, the Board still has three vacancies on the Board including two public members and one licensee member to be appointed by the Governor. She indicated filling the vacancies is a priority and underway but there is still room if members of the public are interested in applying and directed them to the DCA website.

Ms. Holmes commented after more than a year, COVID-19 is still affecting all aspects of DCA's work and lives. On July 26, 2021, the Governor announces enhanced safety measures for state workers and employees in health care settings. To combat the spread and protect vulnerable communities, California is implementing a standard to require state workers and workers in health care settings to show proof of full vaccination or to be tested regularly. Workers who do not show proof of full vaccination will be required to be tested and will be required to wear appropriate PPE. Questions about the healthcare worker requirements can be directed to the California Department of Public Health. Requirements for state workers are being implemented at the department level and DCA appreciated the assistance of Board staff with this effort. Ms. Holmes encouraged all to visit DCA's COVID-19 website for updates and resources for the state's reopening plan, public health guidance, vaccinator resources, and vaccine distribution.

Ms. Holmes noted DCA is receiving questions about when boards and bureaus will be able to meet again and whether they can also continue to meet remotely. The ability for the Board to meet remotely is tied to the Governor's executive orders and the state of emergency. The executive order is set to expire September 30, 2021, after which time the Board will be required to follow all aspects of the Open Meetings Act, including publicly noticed and accessible locations unless a change in law happens. Ms. Holmes indicated all recognize the value of cost savings and increased participation with remote meetings. DCA will do all it can to assist boards and bureaus to transition safely to in-person meetings and requirements as they change.

Ms. Holmes provided a reminder that 2021 is a mandatory sexual harassment prevention training year. All employees and Board Members are required to complete the training during this year through the Learning Management System (LMS), DCA's training portal. There are profiles for Board Members in the LMS and the Executive Officer was provided procedures for access. LMS can be used to sign up and track training. Ms. Holmes provided a reminder that all new and reappointed Board Members are required to attend Board Member Orientation Training (BMOT) within a year of appointment or reappointment. The next training will be held on WebEx October 13, 2021.

Members were provided the opportunity to ask Ms. Holmes questions; however, no questions were asked.

Members of the public were provided the opportunity to ask Ms. Holmes questions; however, no questions were asked.

## V. Strategic Plan

### a. Discussion and Consideration of Board's Strategic Plan

President Oh advised as indicated in the meeting materials, during its October 26-27, 2016, meeting, the Board approved its current strategic plan. Dr. Oh added, historically, the Board has conducted an annual review of its plan. The strategic plan is intended to be a living document and updated to reflect changes in Board priorities that may result from changes in the marketplace, legislation, etc. Strategic plans are typically a five-year plan.

President Oh provided the Board's strategic planning session will be during the September 2021 Board meeting and included in the meeting materials are status updates to the strategic goal areas. Dr. Oh advised each of the committee chairpersons will be asked to review their respective committee goals as well as highlight any potential changes or priorities for the coming year.

Licensing Committee Chairperson Debbie Veale explained the review of the strategic plan goals and presented the motion from the Licensing Committee.

**Licensing Committee Recommendation (Motion):** Recommend to the board to include in its next strategic plan, incorporation of a future strategic plan focus on evaluation of various pharmacy practices and determination of changes in the law to reflect the variances in practice are appropriate.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 10      Oppose: 0      Abstain: 0      Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
De La Paz	Support
Kim	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

Enforcement and Compounding Committee Chairperson Maria Serpa explained the review of the strategic plan goals and presented the motion from the Enforcement and Compounding Committee.

**Enforcement and Compounding Committee Recommendation (Motion):** Clarify Goal. 2.10 – To review the current status to ensure the PIC has the authority to meet the legal needs to be PIC.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 10      Oppose: 0      Abstain: 0      Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
Kim	Support
De La Paz	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

President Oh as the Chairperson of the Legislation and Regulation Committee advised the meeting materials detail the updated status of the respective goals. Dr. Oh noted the Committee did not meet this quarter and as the Chairperson of the Legislation and Regulation Committee he believed the status updates and current goals were appropriate.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments.

Steve Gray commented the votes of the Board Members cannot be heard. The DCA Facilitator requested Members speak loudly and close to their microphone when voting.

Communication and Public Education Chairperson Ricardo Sanchez explained the review of the strategic plan goals and presented the motion from the Communication and Public Education Committee.

**Communication and Public Education Committee Recommendation (Motion):**

Continue to pursue the board's current communication and public education strategic goals.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 9                  Oppose: 0                  Abstain: 1                  Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
De La Paz	Support
Kim	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Abstain
Veale	Support
Weisz	Support



President Oh as the Committee Chairperson for the Organizational Development Committee advised the Committee's goals are included in the meeting materials. Dr. Oh added he believed that the goals included are all still appropriate.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 10      Oppose: 0      Abstain: 0      Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
De La Paz	Support
Kim	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

b. Overview of Process for Strategic Planning Session

President Oh advised the upcoming Strategic Planning Session is tentatively scheduled for September 2021. Dr. Oh noted as included in the meeting materials, over 2,200 stakeholders responded to the survey. Dr. Oh thanked the stakeholders for participating in the survey. Given the significant response rate, he would appreciate members thoughts about delegating to the Board President the authority to work with staff to evaluate the information and provide recommendations that could be used to guide the discussion during the September 2021 meeting.

Members were provided with an opportunity to provide comments; however, no comments were made.

**Motion:** Delegate to the Board President the authority to work with staff to evaluate the information and provide recommendations that could be used to guide the discussion during the September meeting.

**M/S:** Butler/Sanchez

Member Veale inquired if it would be helpful to have the Organizational Development Committee assist with the task. President Oh noted he was advised by counsel that could possibly create a public meeting with two Board Members.

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 10      Oppose: 0      Abstain: 0      Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
De La Paz	Support
Kim	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

**VI. Communication and Public Education Committee Report**

Chairperson Sanchez provided a summary of the committee's work at its July 14, 2021, meeting.

- a. Discussion and Consideration of Recommended Changes to the Notice to Consumers Poster/Display and Suggested Revisions to California Code of Regulations, Division 17, Title 16, Section 1707.6

Chairperson Sanchez advised the committee was considering possible changes to the Notice to Consumers. He noted the wording for the notice is specified in California Code of Regulations (CCR) section 1707.6 and a copy of the current notice was included in the meeting materials.

Chairperson Sanchez reported at its April 2021 meeting, the committee agreed on new wording known as Option 1 as referenced in the meeting materials. Mr. Sanchez advised the committee directed staff to report back with language to incorporate Option 1 into CCR 1707.6 and to report back on language to modify Business and Professions Code (BPC) sections 4122 and 733, which set

requirements for the Notice to Consumers as referenced in the meeting materials.

Chairperson Sanchez provided at the July 2021 committee meeting, Board staff presented language that would modify CCR 1707.6(b) to incorporate Option 1 into the Notice to Consumer. He added a copy of CCR 1707.6 was included in the meeting materials and showed the proposed modifications in underline and strike-through text. Mr. Sanchez noted staff recommended dropping the use of a QR barcode for information about interpretive services as a barcode would not be technically feasible for video displays of the Notice to Consumers; and adding a tagline: "Talk to the expert. Talk to your pharmacist." as this would encourage consumers to speak with their pharmacist to prevent medication errors.

Chairperson Sanchez reported staff also presented other possible modifications to CCR 1707.6 that raise policy questions:

1. CCR 1707.6 (a) requires the poster to be located "in a place conspicuous to and readable by a prescription drug consumer... ." However, a notice at a pharmacy counter might not be conspicuous and readable from a drive-through window. Question: Should this be revised to require placing the notice in specific locations?
2. CCR 1707.6 (c) requires pharmacies to post a separate notice of interpreter services in 12 languages. Question: Should this be revised to require other languages? For example, the Affordable Care Act requires Medi-Cal providers to post taglines about interpreter services in the top 16 languages spoken by non-English proficient individuals.
3. A new subsection (d) could be added to CCR 1707.6 to address information required by BPC sections 733 and 4122. This information can be printed on a receipt instead of the Notice to Consumers. Question: Should CCR 1707.6 be amended to add subsection (d)?

Chairperson Sanchez advised as a result of the committee meeting, the committee accepted staff recommendations regarding modifications to the wording of the Notice to Consumers poster in CCR section 1707.6(b). The committee also agreed the poster should be conspicuous and readable to consumers, and the notice of interpreter services should be available in languages required for Medi-Cal providers by the Affordable Care Act. The committee agreed to add CCR section 1707.6(d) to address information for the Notice to Consumers required by BPC sections 4122 and 733.

Shirley Kim left the meeting at approximately 10:00 a.m.

**Committee Recommendation (Motion):** Initiate rulemaking to amend CCR section 1707.6 as provided in the committee meeting materials.

Members were provided with an opportunity to provide comments.

Member De La Paz inquired why the QR code couldn't be included as a loop video. Public Information Officer Dávila provided it could be difficult for the consumer to reach the NTC depending on where it was posted in the pharmacy or if the consumer was going through the drive-thru at the pharmacy. Member De La Paz inquired about the poster for the consumer in the drive-thru at the pharmacy. Mr. Dávila provided the regulation requires the poster be posted in an area conspicuous to the consumer. He noted the policy question is if the language needs to be revised to accommodate all consumers including those in the drive thru at the pharmacy. Member De La Paz stated it should be accessible for both types of consumers.

Member Veale thanked the committee for revisiting the NTC. She commented the QR should be included and asked for clarification on why it wasn't included. Chairperson Sanchez provided accessibility was important and the committee was open to feedback. Member Veale stated the QR code would increase accessibility.

Member Veale inquired where the location change was proposed. Ms. Sodergren provided it was a policy question posed but the committee was not offering a position on the question. Ms. Tatayan clarified the requirement of the poster is that is visual, accessible, and placed in a prominent position. Because of the number of drive-thru pharmacies, the question became what does the Board do for consumers using the drive-thru pharmacies. Ms. Tatayan clarified this would be a policy of the Board and the pharmacies are required to comply with the regulation.

Members discussed the functionality of the QR code being used on the poster for consumers. President Oh recommended sending the item back to the committee to clarify the issues. Specifically, Dr. Oh requested the committee research and report if the QR code could be linked to the point to your language information to give consumers additional accessibility or if a QR code could lead to information of available languages. Dr. Oh commented a QR code should be incorporated. Member Veale agreed and commented it would be great to have a QR code that translates the poster and translate the statement "You have the right to have this information in your language." Member Patel commented a landing page with the poster, interpretive services and anything else would be simple for the consumer.

Ms. Tatayan inquired if the Board should change from 12 languages to 16 languages as required by Medi-cal for Medicaid. She added Department of Health Care Services and Department of Managed Health Care have determined 16 languages are required. President Oh commented considering tabling the motion to send it back to committee to research QR code issues and 16 languages issues.

**Motion:** Table the motion to send it back to the committee.

**M/S:** Oh/Patel

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

Support: 9                      Oppose: 0                      Abstain: 0                      Not Present: 1

<b>Board Member</b>	<b>Vote</b>
Butler	Support
Kim	Not present
De La Paz	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

b. Discussion and Consideration of Information Sheet Regarding Possible Disciplinary Consequences of DUI Conviction

Chairperson Sanchez recalled Board Members expressed concern that licensees may not appreciate the serious consequences a DUI conviction can have on their Board-issued license, including possible disciplinary action. He noted the committee asked staff to develop ways to better educate licensees about this matter that could impact their job and livelihood. At the July 14 committee meeting, staff presented information to educate licensees about the serious consequences of a DUI conviction. Mr. Sanchez advised the information will be posted on the Board's website and published in the Script and any other locations directed by the Board. He noted DCA counsel has reviewed and approved the DUI information and a copy was included in the meeting materials.

Members were provided an opportunity to provide comment.

Member De La Paz inquired how the information was distributed. Mr. Dávila advised it would be sent via subscriber alerts, posted on the Board's website, included in the Board's newsletter, and distributed through Twitter. Ms. Sodergren advised as a government agency, the Board is limited to the types of information the Board can require of licensees such as phone numbers to provide information via text but can work with counsel to see if laws allow the Board to collect and use this information for the purposes of distributing information. Member Butler commended the committee for developing the information to assist the licensees. Members discussed expanding modes of distribution within those available to the Board.

Member Serpa commented the Board typically communicates with public education to consumers. She noted education to the licensees are really professional responsibilities. Dr. Serpa noted the licensees keep themselves up to date with the Board's newsletter and other forms of communication from the Board. She noted if the Board wanted to consider policy changes on education to licensees, that would be a new topic to discuss.

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

The Board took a break from 10:33 a.m. – 10:48 a.m. After the break, roll call was taken. Members present included: Maria Serpa, Jignesh Patel, Lavanza Butler, Jose De La Paz, Ricardo Sanchez, Nicole Thibeau, Jason Weisz, and Seung Oh. Quorum was established.

Member Shirley Kim returned to the meeting at 10:49 a.m. Member Debbie Veale joined the meeting..

c. Discussion and Consideration of Frequently Asked Questions Regarding Electronic Data Transmission Prescriptions

Chairperson Sanchez provided BPC section 688 is a new law regarding electronic data transmission prescriptions and key provisions take effect January 1, 2022. The Enforcement Committee discussed drafting frequently asked questions (FAQs) to educate licensees about the law. The matter was referred to the Communication and Public Education Committee.

Chairperson Sanchez advised at the July 2021 committee meeting, staff reported a subscriber alert was issued to solicit questions from licensees for the FAQs. Staff also presented FAQs developed by supervising inspectors and reviewed by the Board's executive officer and DCA counsel. Copies of the subscriber alert and FAQs were included in the meeting materials.

Chairperson Sanchez advised committee members how the FAQs are disseminated and how to generate more participation from licensees. He noted staff advised the FAQs would be disseminated through subscriber alerts, the Script, and the Board's website. Mr. Sanchez advised staff reported licensees submitted no more than 15 questions. Board inspectors also submitted questions based on input from licensees during inspections. More questions are expected once the FAQs are disseminated. The FAQs also have been circulated to other DCA boards that regulate prescribers for feedback.

Chairperson Sanchez reported a licensee at the meeting said the FAQs do not address an issue raised by BPC section 688 (g) regarding transferring or forwarding an electronic prescription that has not been dispensed to an alternative pharmacy. He reported staff has worked with DCA counsel to answer the question. At the committee meeting, the committee voted to approve the draft FAQs.

Members were provided the opportunity to provide comments; however, no comments were made.

Members of the public were provided the opportunity to provide comments.

Lindsay Gullahorn, CRA/NACDS, thanked the Board for the work on the FAQs and commented CRA/NACD previously supported AB 2789. She noted an issue with FAQ #5 related to BPC section 688 (g) that requires a pharmacy that receives an electronic prescription that has not been dispensed to transfer the prescription to a different pharmacy upon request of the patient. She noted agreement in principle but is concerned about the ability to comply because there is no mechanism in place to forward controlled substance prescriptions to another pharmacy. She added current NCPDP standards only apply to transfers of non-controlled substances between pharmacies. While they would like to comply with the law, they won't be able to without a standard from NCPDP. Ms. Gullahorn noted an understanding that is working to expand the standard for the current transfer transaction but likely won't be updated until 2024-2025 which represents a three-year gap between the California requirement and when pharmacies will be able to comply. She requested this be addressed in the FAQs and the Board be aware that pharmacies won't be able to comply until there is an approved updated NCPDB standard for controlled substances.

Paige Tally, CAAP, requested to allow for additional FAQs.

Steve Gray commented the law does not require the transfer of a prescription that has not been dispensed yet be done electronically and it just requires it be transferred. He noted BPC section 4052 (a) (2) allows any California pharmacist to transmit a valid prescription and used as the legal basis for decades to allow pharmacists to transfer prescriptions orally or by telephone for all non-controlled

prescriptions and for prescriptions of controlled substances in Schedules III, IV, and V. He added the DEA has clarified this applies to Schedule II but DEA doesn't specifically say oral but given that pharmacies do not have electronic means they have allowed orally and believed this is allowed.

John Gray, Kaiser Permanente, thanked the Board for drafting the FAQs. He added to previous comments of NCPDP standards. He suggested the Board consider without additional clarity of current law being present in the FAQ if the question about what mechanisms can or can't be used will keep coming up. He recommended consider providing more specificity under current law.

Member Veale suggested based on public comments to request FAQ #5 to be clarified to answer where it says immediately transfer forward the electronic data prescription to an alternative pharmacy designated by the requester via oral transmission or, if available, electronic data transmission. Ms. Smiley indicated the DEA regulations would need to be considered and the Board does not have the authority to interpret DEA regulations. She noted the Board is trying to get the FAQs out to give pharmacists some of the notification early before the effective date. Members Veale and Butler stated this was important that the Board should handle as soon as possible and fix before January 2022. President Oh clarified the Board cannot answer the FAQ as the Board cannot interpret DEA regulations. The Board discussed the need to clarify FAQ #5 and addressing the gaps between state and DEA regulations.

**Motion:** Approve the FAQ with the inclusion of refinement with FAQ #5 to have Board president, staff and counsel to refine the language in FAQ #5 to incorporate the intent of the discussion today which is clarification.

**M/S:** Oh/Butler

Member Veale clarified a statement is being added to FAQ #5. Ms. Sodergren agreed the motion is to approve the FAQ to include an update to FAQ #5 to reflect the Board discussion.

Members of the public were provided an opportunity to provide comment.

Steven Gray commented in 2017 a letter from the DEA was sent from NABP to all Boards of Pharmacy clarifying the DEA policy as posted in the preambles of the notice of public rulemaking and the interim final rule and unfilled original electronic prescription for a controlled substance can be forwarded from one DEA registered pharmacy to another DEA registered retail pharmacy which includes Schedule II controlled substances. He stated this might be a source to be relied upon to help clarify.



Support: 10

Oppose: 0

Abstain: 0

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
De La Paz	Support
Kim	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

d. Update on Communication and Public Education Activities by Staff

1. The Script

Chairperson Sanchez advised staff is working on articles and disciplinary case summaries for the next issue of the Script. Publication is planned for August 2021.

2. Staff Outreach

Chairperson Sanchez reported staff provided CE training for pharmacists on prescription drug abuse and diversion on May 19, 2021, via WebEx. He noted about 600 registrants participated. In addition, the executive officer gave two presentations on pharmacy law listed in the committee report.

3. News Media

Chairperson Sanchez advised staff responded to news media inquiries as listed in meeting materials.

Members were provided the opportunity to provide comments; however, no comments were provided.

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

**VII. Enforcement and Compounding Committee Report**

**a. Presentation and Discussion on Board's Inspection Program**

Chairperson Serpa advised the committee received a presentation on the Board's Inspection Program. The webcast, presentation, and materials can be found on the Board's website. Dr. Serpa advised the committee noted that about 25% of the Board's licensed pharmacies received a routine inspection during the last fiscal year and staff was commended for their efforts to focus on pharmacies that have never received a routine inspection. She noted the progress that has been made to meet the Board's policy goal of conducting routine inspections of all pharmacies at least every four years.

Chairperson Serpa noted during the committee meeting the Board does have an educational pamphlet of preparing for a Board inspection on the website as well as a video on how to prepare for a California State Board of Pharmacy Inspection. Dr. Serpa noted these are excellent tools to review periodically.

Committee and Board Members were provided the opportunity to comment; however, no comments were made.

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

**b. Presentation on Discussion on Board's Citation and Fine Program**

Chairperson Serpa advised the committee also received a presentation on the Board's citation and fine program. Dr. Serpa added meeting materials included historical information on citations issued, orders of abatements issued, and files collected as well as the presentation slides and that the presentation can be viewed as part of the webcast from the meeting.

Committee and Board Members were provided the opportunity to comment; however, no comments were made.

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

**c. Discussion and Consideration of Pre-filing Settlement Conference**

Chairperson Serpa recalled during the April 2021 Board Meeting, the Board considered an alternative case resolution proposal that could be implemented to reduce the time and cost associated with resolving a disciplinary matter. Dr. Serpa noted at that time, the Board expressed support for establishing a pre-accusation and settlement conference. She added the California Board of Accountancy uses a similar model.

Chairperson Serpa advised since the last committee meeting, staff and representatives of the Office of the Attorney General worked to further develop a general implementation plan as well as a flow chart that

demonstrates what the process could look like. The committee considered the flow chart that is included in the meeting materials.

Chairperson Serpa provided, as proposed the pre-filing conference model would be used initially through cases assigned to the Board's two assigned liaison Deputy Attorneys General (DAG). She added the DAGs would work with Board staff to identify cases appropriate for this model.

Chairperson Serpa advised a summary of the discussion from the committee meeting was included in the chair report, but she highlighted that the committee's discussion focused on the development of the pre-filing conference consistent with the direction of the Board. Dr. Serpa noted after the committee meeting, written comments were submitted by the California Pharmacists Association which were provided to Members. Dr. Serpa noted participation in the proposed pre-filing conference is not mandatory.

Chairperson Serpa advised as included in the meeting materials, the committee recommended approval of the finalized flow chart and direction for staff and the Attorney General's Office to implement the process.

Committee Members were provided the opportunity to comment.

Committee Member Veale commented she thought the recommendation is very similar to what was originally requested. She noted the proposal provides if someone has a case filed against them, they can provide additional information before the case is filed to avert need for time and/or legal representation. She added the model fills the need noting nothing is perfect.

Committee Members were provided the opportunity to comment.

Member Butler inquired why there is a feeling to licensees that it is more detrimental if they still have the other option. Dr. Serpa provided it is an option and not required. This gives the licensee one more chance for the licensee to speak to the issue before the case is filed.

**Committee Recommendation (Motion):**

Approve the finalized flow chart and allow staff and the Office of the Attorney General to implement the process.

Committee and Board Members were provided the opportunity to comment; however, no comments were made.

Members of the public were provided the opportunity to comment.

Danny Martinez, CPhA, commented the committee's work is appreciated but requests tabling the discussion as the Board will be discussing standard of care model where laws will need to be rewritten. He noted the original purpose was for licensees to avoid going to the Attorney General. He noted there were laws requiring the incorporation of the Attorney General and the hope was the Board would be able to find a way to not have the Attorney General involved. The flowchart and work provided does not advance the goal at all. Mr. Martinez noted the APA affords rights and the intent was to expedite the process; however, to do that would be admitting guilt and giving up rights.

Dr. Serpa clarified CPhA's recommendation was to maintain the current process and not move forward.

Joe Grasela commented it is a good step in the right direction but the problem is if you are telling your side of the story to the Attorney General, it is not fair and the Attorney General is not a pharmacist. He thought a pharmacist should be able to discuss and review issues with a pharmacist.

Dr. Serpa clarified the proposed model is a discussion with Deputy Attorney General and staff members appropriate to the case which includes pharmacists.

Steve Gray commented in support of tabling the discussion as there are many new Board Members that are new to the discussion. He stated there is no option for in person discussion at the investigation level and still leaves the decision up to the Attorney General's Office. He stated the proposal doesn't address what was asked for and discussed. The flowchart should be amended to explain the process.

Support: 3

Oppose: 6

Abstain: 1

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Oppose
De La Paz	Oppose
Kim	Oppose
Oh	Oppose
Patel	Support
Sanchez	Oppose
Serpa	Support
Thibeau	Abstain
Veale	Support
Weisz	Oppose

**d. Discussion and Consideration of Board's Disciplinary Guidelines**

Chairperson Serpa noted as included in the meeting materials, the Board's Disciplinary Guidelines are incorporated by reference into Board regulation. The Board provides the Disciplinary Guidelines for those involved in and affected by the disciplinary process including the general public, attorneys of the Office of the Attorney General, administrative law judges from the Office of Administrative Hearings, defense attorneys, the courts, Board staff and Board Members.

Chairperson Serpa advised the Board provides that the Disciplinary Guidelines are to be followed in disciplinary actions noting that individual cases may necessitate a departure of the Disciplinary Guidelines, noting that in such cases, the mitigating or aggravating circumstances shall be detailed in any proposed decision transmittal memo accompanying a proposed stipulation.

Chairperson Serpa recalled during the April 2021 Board Meeting, it was recommended that the Board consider the current provisions as it relates to underlying actions involving Driving Under the Influence convictions. Dr. Serpa noted given the current guidelines were previously adopted in February 2017, it may be appropriate to determine if a broader review would be appropriate.

Chairperson Serpa advised during the committee meeting, the committee discussed several questions detailed in the chair report. Dr. Serpa added any changes that are recommended to the Disciplinary Guidelines must ultimately be made through the regulation process. She advised the committee determined the next step in the review of the Disciplinary Guidelines would be for staff to identify recommended changes and to coordinate with the Chairperson the scheduling of a meeting to discuss the recommendation. Dr. Serpa advised it is the committee's preference for an in-person meeting should conditions make such a meeting possible; however, the committee will proceed with meeting by WebEx if necessary.

Committee and Board Members were provided the opportunity to comment; however, no comments were made.

Members of the public were provided the opportunity to comment.

Joe Grasela recommended looking at all the Disciplinary Guidelines as he stated there is a major problem with the first level of enforcement details “any improper compounding” and noted the definition was not clear. He recommended a letter of reprove to be used as a possibility before revocation and probation.

**e. Discussion and Consideration of Authority for Pharmacists to Furnish Naloxone, including California Code of Regulations Section 1746.3, Protocol for Pharmacists Furnishing Hydrochloride**

Chairperson Serpa provided the committee discussed pharmacists' authority for furnish naloxone, including the protocol established in regulation. Dr. Serpa noted in the last committee meeting, members discuss several questions detailed in the meeting materials. After consideration, the committee determined that evaluation of the protocol should be considered as part of the standard of care workgroup that is part of AB 1533.

Chairperson Serpa advised the committee received significant public comment, including from Dr. Gaspar, a psychiatric pharmacist with subspecialties in addiction medicine. Dr. Gaspar suggested in his opinion issues such as stigma within the profession may prevent pharmacists from participating in the protocol and may not be related to perceived barriers in the protocol. The committee believed it may be appropriate for the Communication and Public Education Committee to develop educational materials to help focus on steps that can be done to increase pharmacist participation. The committee also received comments suggesting that the issue is urgent and that the Board should act immediately and not wait until the standard of care workgroup can consider the matter.

Committee and Board Members were provided the opportunity to comment; however, no comments were made.

Members of the public were provided the opportunity to comment.

Steven Gray commented on the urgency of the matter as recently a post-COVID 19 pandemic statement that deaths from opioid overdose have increased 29 percent per year over pre-pandemic measures. He stated the Board should find out how many pharmacies are participating in the naloxone furnishing protocol and that the complication of the protocol is a major factor as to why pharmacists aren't participating. He noted there is a problem when pharmacists have the ability and it is difficult for the pharmacists to provide it through the protocol.

Chairperson Serpa advised Dr. Gray's comments were heard and was why the committee requested the Communication and Public Education Committee to develop the educational materials for the licensed public so that the participation in the naloxone program can be increased.

**f. Discussion and Consideration of draft FAQs related to Regulations Governing Automated Drug Delivery Systems**

Chairperson Serpa advised the draft frequently asked questions (FAQ) document related to automated drug delivery systems (ADDS) was included in the meeting materials. Dr. Serpa noted during the committee meeting, the committee members generally agreed with the questions and answers and requested that staff make revisions to question 21 related to the use of an ADDS used to dispense up to a 72-hour supply of drugs to a patient that is being discharged from the emergency room when the hospital pharmacy is closed. She also noted as indicated in the meeting materials, the committee received public comment indicating concerns with the ADDS registration requirement when used for discharge in the scenario as previously described. She noted there was a question if those ADDS needed to be registered and the legal opinion was that registration is required. Dr. Serpa advised following the meeting, she reviewed the revised FAQs and believed the changes are appropriately incorporated.

**Committee Recommendation (Motion):** Recommend approval of the FAQs incorporating the changes made during the meeting discussion.

Committee and Board Members were provided the opportunity to comment; however, no comments were made.

Members of the public were provided the opportunity to comment.

John Gray, Kaiser Permanente, thanked the Board for the FAQs. He suggested the Board consider providing direction to the licensees on how to submit records of quality assurance reviews for medication errors related to the use of an ADDS (e.g., Board of Pharmacy email inbox dedicated to quality assurance review submission, [ADDS@dca.ca.gov](mailto:ADDS@dca.ca.gov), etc.). He noted it would be helpful if the Board provided this direction to licensees.

Chairperson Serpa indicated this could be discussed further during the Legislation and Regulation Committee when the regulation is discussed. She inquired if the Board wanted to postpone releasing FAQs until the regulation is implemented or move forward with the FAQs and add new FAQs as needed. Ms. Sodergren recommended moving forward with the FAQs and adding new FAQs as needed.

Support: 10

Oppose: 0

Abstain: 0

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
De La Paz	Support
Kim	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

**g. Review and Discussion of Enforcement Statistics**

Chairperson Serpa noted the enforcement statistics for the fiscal year as well as three-year comparisons in the meeting materials.

Committee and Board Members were provided the opportunity to comment; however, no comments were made.

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

The Board took a break from 12:07 p.m. to 1:07 p.m. Roll call was taken after the break. Members present included Maria Serpa, Jignesh Patel, Lavanza Butler, Jose De La Paz, Ricardo Sanchez, Nicole Thibeau, Debbie Veale, Shirley Kim, Jason Weisz, and Seung Oh.

Agenda item XI. b. was taken out of order to accommodate the requestor of the waiver.

**XI. Consideration of Waivers**

**b. Consideration of Site-Specific Waiver**

President Oh advised the Board had one site-specific waiver from the UC Regents requesting an extension of the waiver granted by the President for several of its locations. Dr. Oh noted the current waiver and recent request were included in the meeting materials. Dr. Oh stated he believed an extension was appropriate and would recommend that the Board extend the waiver through October 31, 2021. Dr. Oh noted this allows the Board to reconsider during its October 2021 meeting if further extension is appropriate.

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



**Motion:** To extend the waiver until October 31, 2021.

**M/S:** Serpa/Sanchez

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

Support: 10

Oppose: 0

Abstain: 0

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
Kim	Support
De La Paz	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

### **VIII. Legislation and Regulation Committee**

As the Chairperson for this committee, President Oh provided the report. Dr. Oh provided the committee did not meet this quarter.

- a. Discussion and Consideration of Title 16, California Code of Regulations Section 1746.4 Pharmacists Initiating and Administering Vaccines

President Oh advised pharmacy law establishes the authority for pharmacists to initiate and administer vaccines as specified. Board regulations specify the conditions under which a pharmacist may provide the vaccine, including a notification requirement to each patient's primary care provider. The notification to the provider is in addition to the mandatory reporting of the vaccine administration to the California's vaccine immunization registry.

President Oh noted in response to the COVID-19 pandemic, pharmacists and pharmacies have served as a primary access point for patients to receive COVID-19 vaccines in part because the Board approved a waiver to the mandatory notification requirement to each patient's primary care physician. He noted as the Board's waiver authority is limited to the public health declaration, members will have the opportunity to determine if the provisions of waiver should be made permanent.

President Oh advised to assist with the discussion, the meeting materials include some policy questions. He reviewed the policy questions.

1. As the statute requires compliance with federal recordkeeping and reporting requirements, including reporting vaccinations to the state's immunization registry, is mandatory notification to a primary care physician also necessary?

President Oh added he didn't believe such notification should be mandatory but welcomed member comments. Members were provided the opportunity to provide comments; however, no comments were made.

2. If determined that notification should not be mandatory, is it appropriate to consider amending the regulation language to only require notification to the primary care physician if such notification is request by the patient?

Members were provided the opportunity to provide comments; however, no comments were made.

3. As reporting requirements are established in the statue, is it appropriate to remove the duplication of requirements in the regulation language?

Members were provided the opportunity to provide comments; however, no comments were made.

4. Are there any other changes to the regulation language that you believe are appropriate?

Members were provided the opportunity to provide comments; however, no comments were made.

President Oh advised staff provided language that could be used to change the reporting requirements to specify that the reporting to the primary care physician must be done if requested by the patient as well as to address a non-substantive change offered by counsel included in the meeting materials.

#### **Proposed Amendment to 16 CCR § 1746.4**

§ 1746.4. Pharmacists Initiating and Administering Vaccines.

(a) A pharmacist initiating and/or administering any vaccine pursuant to section 4052 or 4052.8 of the Business and Professions Code shall follow the requirements specified in subdivisions (b) through (f) of this section.

(b) Training: A pharmacist who initiates and/or administers any vaccine shall keep documentation of:

- (1) Completion of an approved immunization training program, and
- (2) Basic life support certification.

This documentation shall be kept on site and available for inspection.

(c) Continuing Education: A pharmacist must complete one hour of ~~engaging~~ continuing education focused on immunizations and vaccines from an approved provider once every two years.

(d) Notifications: At the request of a patient, A g pharmacist shall notify, each patient's primary care provider of any vaccine administered to the patient, or enter the appropriate information in a patient record system shared with the primary care provider, as permitted by the primary care provider. Primary care provider notification must take place within 14 days of the administration of any vaccine. If a patient does not have a primary care provider, or is unable to provide contact information for his or her primary care provider, the pharmacist shall advise the patient to consult an appropriate health care provider of the patient's choice. A pharmacist shall notify each pregnant patient's prenatal care provider, if known, of any vaccine administered to the patient within 14 days of the administration of any vaccine.

(e) Immunization Registry: A pharmacist shall report, in accordance with section 4052.8, subdivision (b)(3), of the Business and Professions Code, the information described in section 120440, subdivision (c), of the Health and Safety Code within 14 days of the administration of any vaccine. A pharmacist shall inform each patient or the patient's guardian of immunization record sharing preferences, detailed in section 120440, subdivision (e), of the Health and Safety Code.

(f) Documentation: For each vaccine administered by a pharmacist, a patient vaccine administration record shall be maintained in an automated data processing or manual record mode such that the information required under section 300aa-25 of title 42 of the United States Code is readily retrievable during the pharmacy or facility's normal operating hours. A pharmacist shall provide each patient with a vaccine administration record, which fully documents the vaccines administered by the pharmacist. An example of an appropriate vaccine administration record is available on the Board of Pharmacy's website. Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4052, 4052.8 and 4081, Business and Professions Code; Section 120440, Health and Safety Code; and Section 300aa-25, Title 42, United States Code.

**Motion:** Initiate the rulemaking as provided in the meeting materials and to delegate to the executive officer and counsel the authority to make any non-substantive changes that are identified through the pre-review process and release for the public comment period.

**M/S:** Veale/Butler

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 10

Oppose: 0

Abstain: 0

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
Kim	Support
De La Paz	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

b. Discussion and Consideration of Pending Legislation Impacting the Practice of Pharmacy, the Board's Jurisdiction, or Board Operations

President Oh advised several measures were included in the meeting materials for consideration. Dr. Oh added links to the measures and committee analysis are provided, as is a summary of the measure, the Board's position on the measure, if applicable, and staff comments.

1. Assembly Bill 107 (Salas) Licensure: Veterans and Military Spouses

President Oh advised AB 107 would expand the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any board with the Department of Consumer Affairs, except as provided. Dr. Oh noted since the Board's last discussion the measure was amended to require an applicant to pass a California law and ethics examination if required by the Board as a condition of issuing the temporary license. Dr. Oh recalled the Board had established an Oppose Unless Amended position, because the Board was concerned it would not have the ability to assess for minimum competency before issuing the temporary license. He noted the amendments to the measure address the Board's concerns. Dr. Oh agreed with staff recommendation that the Board move to a neutral position on the bill.

Members were provided with an opportunity to provide comments; however, no comments were made.

**Motion:** Change position to neutral.

**M/S:** Serpa/Thibeau

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 9

Oppose: 0

Abstain: 1

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
De La Paz	Support
Kim	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Abstain

2. Assembly Bill 527 (Wood) Controlled Substances

President Oh advised this measure includes Board-sponsored language related to the descheduling of some nonnarcotic combination products to align with Federal law. Dr. Oh advised the Board had a support position on the measure. He provided the measure passed out of the Senate Public Safety Committee and will be considered by the Senate Appropriations Committee on August 16, 2021.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

3. Assembly Bill 1064 (Fong) Pharmacy Practice: Vaccines: Independent Initiation

President Oh advised AB 1064 would authorize a pharmacist to independently initiate and administer any vaccine approved or authorized by the United States Food and Drug Administration for persons 3 years of age and older. Dr. Oh noted the Board established a support position on this measure during its April 2021 meeting. He added this measure passed out of the Senate Business, Professions and Economic Development committee and will be considered by Senate Appropriations Committee on August 16.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

4. Assembly Bill 1328 (Irwin) Clinical Laboratory Technology and Pharmacists

President Oh provided AB 1328 would expand authority for pharmacists to perform CLIA-waived tests either approved or authorized by the FDA upon patient request or hospital authorization provided that there is a valid and respective CLIA certificate of waiver and laboratory license, with some exceptions. Dr. Oh stated exceptions would include CLIA waived tests that are used for surgery, diagnosis or treatment of heart failure, fertility, or ovulation prediction. He noted it would require a pharmacist to notify the patient's primary care provider, or other appropriate physician and surgeon, of test results if consent is provided. In the event the patient refuses consent or does not have a primary care provider, the pharmacist shall provide the patient a list of physicians, clinics, or other health care service providers to contact for ongoing patient care. Dr. Oh added the measure specifies that a patient performing onsite specimen collection shall be provided space that provides for privacy during the specimen collection, testing process, and consultation with the pharmacist. The measure would amend Pharmacy Law to declare that pharmacy practice is a patient and public health-oriented health service that is continually evolving to include more sophisticated and comprehensive patient care and public health activities. He noted the measure will be considered by the Senate Appropriations Committee on August 16, 2021, and the Board established a support position on the measure.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

5. Assembly Bill 1533 (Assembly Business and Professions Committee)  
Pharmacy

President Oh advised AB 1533 would extend the operations of the Board until January 1, 2026, and make several other changes detailed in the meeting materials. Dr. Oh noted this measure passed out of the Senate Business, Professions and Economic Development Committee and will be heard by the Senate Appropriations Committee during its August 16, 2021,

hearing. He added the Board currently has a support position on this measure.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

6. Senate Bill 306 (Pan) Sexually Transmitted Disease: Testing

President Oh advised as indicated in the meeting materials, SB 306 would allow a pharmacist to dispense a drug prescribed pursuant to EPT provisions without an individual name if the prescription includes either "expedited partner therapy" or EPT. Dr. Oh noted the section provides that a pharmacist would not be liable in, and not subject to a civil, criminal, or administration action if the use of EPT was done in compliance with the law, unless otherwise specified.

President Oh recalled during the April 2021 Meeting the Board established a Support if Amended position. Dr. Oh noted the author accepted the Board's amendments to ensure a pharmacist provides written notice that describes the right of an individual receiving EPT to consult with a pharmacist about the therapy and potential drug interactions. Dr. Oh advised with the acceptance of the amendments, he approved a change to a support position. He welcomed member comments on the change and your consideration of a motion to ratify the change.

**Motion:** Ratify the position and change position to support.

**M/S:** Serpa/Patel

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments.

Danny Martinez, CPhA, commented in support of the motion.

Support: 9                      Oppose: 0                      Abstain: 1                      Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
De La Paz	Support
Kim	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Abstain

7. Senate Bill 310 (Rubio) Unused Medications: Cancer Medication Recycling

President Oh advised SB 310 had not previously been considered by the Board as it previously established the provisions under the jurisdiction of the Medical Board of California. Dr. Oh noted as amended in late June, the measure will create a cancer medication collection and distribution program including a registry of participating practitioners. Under the provisions of the bill, a surplus medication and collection distribution intermediary licensed by the Board would be authorized to issue or renew registrations to participating practitioners. With this registration, practitioners would be authorized to establish programs to recycle unused cancer medications. Under the provisions of the measure patients can donate previously dispensed medications back to a participating practitioner for redistribution to other patients.

Dr. Oh advised working with staff, he approved an Oppose Unless Amended position. He noted detailed in the meeting materials are several of the technical and policy concerns with the measures. Communication to the author's office detailed out the amendments requested which are also included in the meeting materials. Dr. Oh stated the measure was considered in the Assembly Health Committee on July 13. He stated it was the Board's understanding the author accepted amendments; however, the amendments are not yet in print.

Members were provided with an opportunity to provide comments; however, no comments were made.

**Motion:** Change position to Oppose Unless Amended.

**M/S:** Veale/Patel



Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 9

Oppose: 0

Abstain: 1

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
De La Paz	Support
Kim	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Abstain

8. Senate Bill 362 (Newman) Community Pharmacies: Quotas

President Oh noted as indicated in the meeting materials, SB 362 would prohibit a community pharmacy from establishing a quota, defined as a fixed number or formula related to the duties for which a pharmacist or pharmacy technician license is required to complete, or against which the community pharmacy or its agent measures or evaluates the pharmacist or pharmacy technician's performance of those duties in the community pharmacy. Dr. Oh stated since the Board's last discussion the measure was amended and no longer includes the penalties. He noted the Board established a Support if Amended position because of concerns with the penalties portion of the measure that would have required automatic suspension of licenses. After the amendment that removed the provisions, President Lippe approved a change to a support position.

Members were provided with an opportunity to provide comments.

Member Thibeau commented in support of not having quotas as they could cause harm. Dr. Thibeau commented on seeing data if a pharmacy is too slow, there could also be errors. Dr. Thibeau heard of a hybrid where quotas can exist but can not exceed so many per an hour or day. Dr. Thibeau noted there is data that it could be safer.

Member Butler commented she has a problem with quotas.

**Motion:** Ratify the Support Position.

**M/S:** Serpa/Veale

Members of the public were provided with an opportunity to provide comments.

Danny Martinez, CPhA, commented as CPhA is the sponsor of SB 362, he noted the latest amendments further define what is not a quota. With the amendments removed, the opposition from CRA/NACDS was removed as well.

(Note: Ms. Guckian provided the following comment later in the Legislative and Regulation Committee Report.)

Sandra Guckian, NACDS, stated in response a comment made earlier about NACDS removing opposition for SB 362. Ms. Guckian stated NACDS had not formally removed its opposition for SB 362 and wanted to correct this misinformation for the record.

Support: 9

Oppose: 0

Abstain: 1

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
Kim	Support
De La Paz	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Abstain

9. Senate Bill 409 (Caballero) Pharmacy Practice: SARS-CoV-2 and Influenza Testing

President Oh noted SB 409 is a board sponsored measure that would authorize pharmacists to provide CLIA waived tests as specified. Dr. Oh recalled the measure initially was limited to authority for pharmacists to perform CLIA COVID-19 and influenza testing. During the April 2021 Board Meeting, the Board voted to expand the provisions. Dr. Oh added detailed in the meeting materials are the provisions of the measure as amended and has support including from the pharmacist association and the California Medical Association.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments.

10. Senate Bill 524 (Skinner) Health Care Coverage: Patient Steering

President Oh advised SB 524 would prohibit patient steering, which is also defined in the measure. Dr. Oh noted at the April 2021 Board Meeting, the Board established a support position on the measure.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments.

11. Senate Bill 731 (Durazo) Criminal Records: Relief

President Oh stated SB 731 expands the conditions for relief for arrest and convictions. During the April 2021 Board Meeting, the Board established an Oppose Unless Amended because of concerns that the Board would lack access to full information necessary to evaluate an individual's background prior to making a licensing decision. Dr. Oh noted regrettably, the Board's concerns have not been addressed.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments.

President Oh advised for the regulations portion of the report, he referred to the meeting materials that highlight some of the measures previously considered by the Board that are either not moving this year or the measure is no longer applicable to the Board. He noted this information is provided for information only.

- c. Board Adopted Regulations Approved by the Office of Administrative Law
- d. Discussion and Consideration of Board Approved Regulations Undergoing Pre-Notice Review by the Department of Consumer Affairs or the Business, Consumer Services and Housing Agency

President Oh noted as detailed in the meeting materials the Board has a number of regulations in various stages of promulgation. Dr. Oh stated he did not intend to review each as the information is contained in the public materials.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

## **X. Licensing Committee Report**

Chairperson Veale provided a summary of the Committee's work at its July 14, 2021, meeting. Ms. Veale introduced the committee members as Chairperson Debbie Veale, Vice Chairperson Seung Oh, Lavanza Butler, Jignesh Patel, and Jason Weisz.

Chairperson Veale reported the committee concluded there have been stakeholder meetings in the past and it seemed appropriate to have another stakeholder meeting to review the difference of pharmacy technician duties in the hospital and community setting as well as discuss ratios.

- a. Discussion and Consideration of Pharmacy Technician Duties and Possible Changes; and
- b. Discussion and Consideration of Pharmacist to Pharmacy Technician Ratio in Community and Sterile Compounding Pharmacy Settings

Chairperson Veale provided a summary of the Committee's work in the past and explained agenda items X (a) and X (b) resulted in the committee's recommendation provided.

Chairperson Veale reported committee members and stakeholders spoke in support of convening a pharmacy technician summit to facilitate a broader discussion. Ms. Veale noted some conflicting views on if pharmacy technician duties should be expanded or remain the same. Some requested the definition of pharmacy technician be reviewed because there is a lot of variety. The committee concluded a summit should be convened once the committee could meet in person in multiple locations and at varying times to include as many stakeholders as possible.

Chairperson Veale referred to the information on pharmacy technician ratio in the meeting materials. She noted the committee felt a ratio would also be an appropriate topic for the summit and possibly look at varying ratios for practice setting (e.g., community, sterile compounding, etc.).

Chairperson Veale noted the committee members and stakeholders felt it was important to discuss when in person.

Committee and Board Members were provided with an opportunity to provide comments. Member Serpa commended the Chairperson and Committee on holding a Summit. Member Butler commended the summary by Chairperson Veale.

Members of the public were provided with an opportunity to provide comments.

Danny Martinez, CPhA, commended Chairperson Veale for proposing the Summit.

**Committee Recommendation (Motion):** Schedule a Summit to discuss pharmacy technician duties as well as the pharmacist to pharmacy technician ratio. Summit to be schedule at such as time that will allow for in-person participation. Delegate to the Committee Chair and executive officer authority to develop the meeting parameters.

Support: 10

Oppose: 0

Abstain: 0

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
Kim	Support
De La Paz	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

- c. Discussion and Consideration of Board's Legislative Proposal to Establish a New Licensing Program Creating Advanced Practice Pharmacy Technician Requirements and Functions

Chairperson Veale reported the committee had been working on and developed a proposal for a possible advanced practice pharmacy technician. However, after lengthy discussions, there was a concern with the pending pharmacy technician summit, pharmacy technician ratio discussion was part of

the larger discussion about pharmacy technicians. The committee felt the issue should be tabled until after the pharmacy technician summit.

**Committee Recommendation (Motion):** Table current proposal.

Committee and Board Members were provided the opportunity to provide comment.

Member Patel commented he would like to see a timeline for tabling the current proposal.

Member Butler agreed with Chairperson Veale's summary and assessment.

Member Thibeau commented in favor of having an advanced practice pharmacy technician to help long-term retention and advancement for pharmacy technicians.

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 10

Oppose: 0

Abstain: 0

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
Kim	Support
De La Paz	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

Chairperson Veale reiterated the request to stakeholders for information and studies related to the summit topics.

d. Review and Discussion of Licensing Statistics

Chairperson Veale commented a three-year comparison is provided. Ms. Veale provided a summary. As of June 30, 2021, the Board has received: 14,406 initial applications, 546 requests for temporary site license applications and issued 8,074 individual licenses.

Chairperson Veale commented the focus is processing times and is provided. She noted processing time is outside of the performance measures established by the Board. Ms. Veale advised the Board's licensing unit has vacancies in various stages of recruitment as well as staff out on unexpected leave. Managers are working with staff to prioritize work. She noted it is anticipated processing times will improve as vacancies are filled and staff return from unexpected leave.

Members were provided the opportunity to provide comments.

Member Butler advised she is being told by pharmacy technician applicants that processing times is over 60 days. She asked if that meant that there is a deficiency. Ms. Sodergren provided if the applicant hasn't received a deficiency letter, the application may not have been processed. She noted staff have been redirected for examination application processing and are being redirected to the pharmacy technician applications. Ms. Sodergren stated she anticipated processing times to decrease over the next 30 days.

Member Thibeau commented about a pending clinic application with deficiencies for over three months with no response from Board staff.

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

e. Future Committee Meeting Dates

Chairperson Veale advised the next Committee meeting is October 27, 2021.

The Board took a break from 2:19 p.m. to 2:34 p.m. Roll call was taken after the break and Members present included: Maria Serpa, Jignesh Patel, Lavanza Butler, Jose De La Paz, Shirley Kim, Ricardo Sanchez, Nicole Thibeau, Debbie Veale, Jason Weisz, and Seung Oh. A quorum was established.

## **X. Organizational Development Committee Report**

President Oh provided an update on several items under the purview of the Organizational Development Committee.

a. Budget Update

President Oh provided the Board's spending authorization for the new fiscal year is \$29.6 million which is 1.3% increase from the prior year. He noted included in the meeting materials is information on the prior year budget. Information provided was through the first 11 months of the fiscal year. He added it is

anticipated that final budget figures will be available for the October 2021 Meeting.

President Oh noted the Board has estimated it expended about \$25.1 million in the first 11 months of the fiscal year, including about \$15.2 million in personnel, about \$3.6 million in prorata, and almost \$4.8 million in enforcement related costs. He added a review of the fund condition prepared by the Department indicated that at the end of the current fiscal year, it is projected the Board will have 3.9 months in reserve. Dr. Oh noted the Board will continue to closely monitor the fund as projections indicate a slow depletion of the fund.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

b. Board Member Attendance and Mail Vote Information

President Oh advised Board Member attendance is summarized in the meeting materials. Additionally, the Board will resume reporting mail vote participation.

Members were provided with an opportunity to provide comments; however, no comments were made.

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

c. Personnel Update

President Oh reported as detailed in the meeting materials, the Board has several vacancies.

d. Meeting Calendar for 2021 and 2022

President Oh advised members included in the meeting materials is the meeting calendar for the remainder of 2021 and 2022. Dr. Oh thanked the members for their continued to commitment to the Board.

Members were provided with an opportunity to provide comments on agenda items X (c) and (d); however, no comments were made.

Members of the public were provided with an opportunity to provide comments on agenda items X (c) and (d); however, no comments were made.



## XI. Consideration of Waivers

### a. Consideration of Broad Waivers

#### i. Pharmacists Initiating and Administering Vaccines (CCR Section 1746.4(d))

President Oh advised Pharmacists Initiating and Administering Vaccines, waives the requirement for a pharmacist to notify each patient's primary care provider of a COVID-19 vaccine administration under specified conditions.

**Effective:** December 17, 2020

**Expiration:** August 27, 2021, or until 30 days after the emergency declaration, whichever is sooner.

President Oh advised staff reports that eight percent of pharmacies report using this waiver; however, the waiver may also be used outside of pharmacies.

President Oh stated he believed an extension of this waiver is necessary to ensure any potential barrier to administering the COVID-19 is removed. He recommended extension of this waiver with a new expiration to be 90 days following termination of the declared emergency, consistent with the provisions of BPC 4062(d). He noted that absence action today, the waiver will expire on August 27.

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

**Motion:** Extend the waiver with a new expiration to be 90 days following termination of the declared emergency, consistent with the provisions of BPC 4062(d).

**M/S:** Veale/Weisz

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 10

Oppose: 0

Abstain: 0

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
De La Paz	Support
Kim	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

ii. Duty to Consult (CCR Section 1707.2(a))

President Oh advised the Duty to Consult waiver waives the requirement for in-person consultation under specified conditions.

**Effective:** April 1, 2020

**Expiration:** August 31, 2021, or until 30 days after the emergency declaration, whichever is sooner.

President Oh noted staff reports that 10 percent of pharmacies report using this waiver. He recommended the Board consider an extension of this waiver through October 31 or until 30 days after the emergency declaration is lifted, whichever is sooner allowing the Board to reevaluate conditions as part of its October Board meeting.

**Motion:** Extend the waiver through October 31 or until 30 days after the emergency declaration is lifted, whichever is sooner.

**M/S:** Veale/Kim

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 10

Oppose: 0

Abstain: 0

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
De La Paz	Support
Kim	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

- iii. Prelicensure Inspection at Proposed Location of an Automated Drug Delivery System (ADDS) (Business and Professions Code sections 4119.11(a)(9) and 4427.2(e)

President Oh advised the Board's Prelicensure Inspection of ADDS waiver, waives the inspection requirement as a condition of licensure of an ADDS under specified conditions.

**Effective:** April 13, 2020

**Expires:** August 31, 2021, or until 30 days after the emergency declaration is lifted, whichever is sooner.

President Oh advised staff report that 52 percent of ADDS locations require a waiver of the in-person inspection. Given the significant frequency of use, Dr. Oh recommended that the Board consider an extension of this waiver through October 31 or until 30 days after the emergency declaration is lifted, whichever is sooner, allowing the Board to reevaluate conditions as part of its October Board meeting. Dr. Oh noted absent action today, the broad waiver will expire on August 31.

**Motion:** Extend the waiver through October 31 or until 30 days after the emergency declaration is lifted, whichever is sooner.

**M/S:** Veale/Patel

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 10

Oppose: 0

Abstain: 0

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
De La Paz	Support
Kim	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

- iv. Prescriber Dispensing medication to Emergency Room Patient (BPC 4068 (a)(1), 4068(a)(5), and 4068(a)(6))

President Oh advised the Prescriber Dispensing Medications to ER Patients waiver, waives the prohibition against a prescriber dispensing medications to an emergency room patient under specified conditions.

**Effective Date:** March 27, 2021

**Expiration Date:** August 31, 2021, or until 30 days after the emergency declaration is lifted, whichever is sooner.

President Oh advised the waiver does not appear to be used and recommended no action be taken by the Board and that this waiver expire on August 31.

Members were provided an opportunity to provide comment.

Member Weisz inquired if there would be a problem if it expired and was needed at a later date. Ms. Sodergren advised the President retains his authority and could do a site-specific waiver if needed.

Members were provided an opportunity to provide comment; however, no comments were made.

- v. Staffing Ratio of Pharmacists to Intern Pharmacists and General Supervision – Immunizations (BPC 4114)

President Oh advised the Staff Ratio of Pharmacist to Intern Pharmacist and General Supervision increases the pharmacist to intern pharmacist ratio under specified conditions related to the administration of COVID-19 vaccines.

**Effective:** December 16, 2020

**Expiration:** August 31, 2021, or until 30 days after the emergency declaration is lifted, whichever is sooner.

President Oh noted as this waiver does not appear to be in use, he recommended that the Board allow this waiver to expire and appreciated member comments.

Members were provided an opportunity to provide comment.

Member Patel commented with the number of COVID cases increasing and the need for more immunizers including staff being out, he thought the Board should extend the waiver.

**Motion:** Extend the waiver for 90 days or 30 days after the emergency declaration is lifted.

**M/S:** Patel/Veale

Members of the public were provided with an opportunity to provide comments; however, no comments were made.

Support: 10

Oppose: 0

Abstain: 0

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
Kim	Support
De La Paz	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

## **XII. Executive Officer Report**

- a. Discussion of Board's Response to COVID-19 Pandemic and Actions Taken by Other Agencies

Executive Officer Sodergren provided as the pandemic continues, the Board continues to dedicate a significant amount of resources to the response to COVID-19. The Board is working independently and in collaboration with other

governmental agencies. The Board continues to use the website, subscriber alert system and social media to communicate to licensees and consumers. The Board's website has an area dedicated to COVID-19 resources that includes waiver information, guidance documents and other resources.

Ms. Sodergren reported DCA's Director has been issuing waivers under her authority granted under the executive order. Some of the DCA waivers apply to Board of Pharmacy licensees. The waivers issued by the Director include scope of practice that impacts Board licensees.

Ms. Sodergren reported the Board continues to issue general and site-specific waivers. She reported the Board has approved 55 licenses with an approved waiver of an in-person inspection as well as renewed 203 licenses using the site-specific waivers. Temporary licenses are being issued where necessary to address the distribution of PPE, ventilators, and vaccinations as well as temporary locations for surges. To date the Board has issued 31 surge temporary locations.

Ms. Sodergren advised the Board continues to adjust operations as necessary to ensure the safety of staff as well as the public. Until recently the goal was to maintain 75 percent staff teleworking. With the governor's reopening, staff are returning to the office and envision a long-term telework solution by assessing teleworking options and completing SWOT analysis to determine what the long-term teleworking strategies specific to each position. Board staff management completed six hours of mandated training in managing a hybrid workforce.

b. Summary of the Annual Meeting of the National Association of Boards of Pharmacy

Ms. Sodergren reported a summary of the actions from the annual meeting May 2021 are included in the meeting materials. Vice President Veale represented the Board during the meeting.

c. Update on Business Modernization Activities

Ms. Sodergren recalled the Board has legacy computer systems. To replace the systems, the Board needs to engage in business modernization. Board staff is resuming business modernization after a delay due to the pandemic. Once the business process mapping has been completed, there are several other steps involved and required by the state. Currently, the Board leverages available technology where feasible.

d. Annual CURES Update

Ms. Sodergren advised the meeting materials include reports from the Department of Justice who operates the CURES system. The reports include overall usage information including the number of Scheduled II – V controlled substance prescriptions reported to CURES over the last fiscal year.

Ms. Sodergren provided an update on AB 528 (Low, Statutes of 2019) that included several changes under those provision to CURES reporting requirements. Many of the changes have been implemented but staff was recently advised some provisions related to the development of provisions for authorized delegates will be delayed until April 2022. She noted there is pending legislation that would extend out that mandatory implementation date to October 2022 if enacted.

Ms. Sodergren provided an update to the provisions of AB 1751 (Low, Statutes of 2018) that established the authority of the department of justice to enter into an agreement with an entity to operate an interstate data sharing for prescription drug monitoring hub to facilitate controlled substances dispensing for the prescription drug monitoring. DOJ reported the implementation date is ongoing and the first phase could be completed by March 2022 assuming all of the necessary MOUs are in place to allow for the data sharing. The first phase includes neighboring states to be required in the MOU.

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

Members of the public were provided the opportunity to provide comment.

Danny Martinez, CPhA, commented in appreciation for Ms. Sodergren as the Executive Officer during the challenging time of the pandemic.

### **XIII. Closed Session Matters**

The Board recessed to closed session at approximately 3:07 p.m.

The Board adjourned from closed session at approximately 4:51 p.m.

The Board adjourned at approximately 4:52 p.m.

**July 29, 2021**

President Oh called the Board Meeting to order at 9:07 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 observing or participating in the meeting that the meeting was being conducted consistent with the provisions of Governor Gavin Newsom's Executive Order N-25-20. Dr. Oh advised participants watching the webcast could only observe the meeting. He noted anyone interested in participating in the meeting must join the WebEx meeting using the instructions posted on the Board's website.

DCA staff provided general instructions for the WebEx Board Meeting for members of the public participating in the meeting.

President Oh advised those participating in the teleconference the Board would convene in closed session after deliberating on the open session items, except adjournment.

Roll call was taken. Board Members present included Maria Serpa, Jignesh Patel, Lavanza Butler, Jose De La Paz, Shirley Kim, Ricardo Sanchez, Debbie Veale, Jason Weisz, Nicole Thibeau, and Seung Oh. A quorum was established.

**XV. Discussion and Consideration of Adoption of Board Approved Regulation, Title 16 California Code of Regulations Section 1715.6 Related to Reporting Drug Losses**

President Oh advised as part of the January 2020 Meeting, the Board approved the proposed regulation text related to the proposed amendments to Title 16, California Code of Regulations Section 1715.6 Related to Reporting Drug Losses. The intent of the proposed amendments was to further define when drug losses must be reported and to increase clarity for the regulated public.

President Oh advised included in the meeting materials are several items for the Board's review include the proposed text as noticed for the 45-day comment period; staff prepared summary comments and recommendations; and the comments received.

Members were provided the opportunity to provide comment.

Member Serpa advised the Enforcement and Compounding Committee worked diligently with the public on the proposed language to revise the current law of requiring the reporting of a single pill. The committee worked diligently to ensure the language was clear and concise. The committee determine that a single pill was



onerous for the pharmacy and Board staff. It was determined an aggregate was appropriate and within safe limits.

Members agreed with Member Serpa's comments and the agreed changes.

President Oh inquired about (a)(1) and provided an example of "on or after the same day of the previous year." Member Serpa clarified the intent and reasoning not to use the term calendar year as it is intended to be a rolling year. Ms. Tatayan confirmed the intent is a rolling year. Dr. Oh was satisfied with the language and suggested an FAQ. Member Serpa suggested an article in the Script. Member Kim added an illustration or example would be helpful.

**Motion:** Accept the Board staff recommended comment responses and adopt the regulation language as noticed for 45-day comment on June 4, 2021. Additionally, delegate to the executive officer the authority to make technical or nonsubstantive changes as may be required by the Control agencies to complete the rulemaking file.

**M/S:** Serpa/Patel

***Amend Section 1715.6 to Title 16 of the California Code of Regulations, to read as follows:***

**§ 1715.6. Reporting Drug Loss.**

- (a) The owner shall submit-report to the Board a report containing the information in subdivision (b) within no later than thirty (30) days after the date of discovery of the following:
- (1) any Any loss of the a controlled substances, including their in one of the following categories that causes the aggregate amount of unreported losses discovered in that category, on or after the same day of the previous year, to equal or exceed:
- (A) For tablets, capsules, or other oral medication, 99 dosage units.
- (B) For single-dose injectable medications, lozenges, film, such as oral, buccal and sublingual, suppositories, or patches, 10 dosage units.
- (C) For injectable multi-dose medications, medications administered by continuous infusion, or any other multi-dose unit not described in subparagraph (A), two or more multi-dose vials, infusion bags, or other containers.
- (2) Any loss of a controlled substance, regardless of the amount, attributed to employee theft.
- (3) Any other significant loss as determined by the pharmacist-in-charge.

(b) All reports under this section shall specify the identity, amounts and strengths of each controlled substance lost, and date of discovery of the loss, for all losses that have made the report necessary.

Note: Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4081, 4104, and 4332, Business and Professions Code.

Members of the public were provided the opportunity to provide comments.

Steve Gray commented in appreciation of the work done on this as it is important and will alleviate the requirement of reporting a single pill. He commented he thought there was ambiguity with the removal of the strike out in (a)(1).

Keith Yoshizuka, CSHP, stated it is important issue and supported FAQs and an article in the Script.

Support: 10

Oppose: 0

Abstain: 0

Not Present: 0

<b>Board Member</b>	<b>Vote</b>
Butler	Support
Kim	Support
De La Paz	Support
Oh	Support
Patel	Support
Sanchez	Support
Serpa	Support
Thibeau	Support
Veale	Support
Weisz	Support

#### **XVI. Petitions for Reinstatement of Licensure, Early Termination or Other Modification of Penalty**

Administrative Law Judge Jessica Wall presided over the following petition hearings:

- a. Olugbenga Oduyale, RPH 42719
- b. Cletus Uche Duru, RPH 46402
- c. Valencia Pharmacy, PHY 48891
- d. Cedar Pharmacy and Medical Supplies, Inc., PHY 40262
- e. Peter Nnamdi Onwumere, RPH 53590

The Board took a break from 9:31 a.m. to 9:41 a.m. Roll call was taken after the break. Members present included Maria Serpa, Jignesh Patel, Lavanza Butler, Jose De La Paz, Shirley Kim, Ricardo Sanchez, Nicole Thibeau, Debbie Veale, Jason Weisz, and Seung Oh.

The Board took a break from 10:34 a.m. to 10:48 a.m. Roll call was conducted visually through WebEx camera participation. Members present included Maria Serpa, Jignesh Patel, Lavanza Butler, Jose De La Paz, Shirley Kim, Ricardo Sanchez, Nicole Thibeau, Debbie Veale, Jason Weisz, and Seung Oh.

The Board took a break from 11:52 a.m. to 12:52 p.m. Roll call was taken after the break. Members present included Maria Serpa, Jignesh Patel, Lavanza Butler, Jose De La Paz, Shirley Kim, Ricardo Sanchez, Nicole Thibeau, Debbie Veale, Jason Weisz, and Seung Oh.

The Board took a break from 1:47 p.m. to 12:51 p.m. Roll call was conducted visually through WebEx camera participation. Members present included Maria Serpa, Jignesh Patel, Lavanza Butler, Jose De La Paz, Shirley Kim, Ricardo Sanchez, Nicole Thibeau, Debbie Veale, Jason Weisz, and Seung Oh.

The Board took a break from 2:49 p.m. to 2:55 p.m. Roll call was conducted visually through WebEx camera participation. Members present included Maria Serpa, Jignesh Patel, Lavanza Butler, Jose De La Paz, Shirley Kim, Ricardo Sanchez, Nicole Thibeau, Debbie Veale, Jason Weisz, and Seung Oh.

## **XVIII. Adjournment**

The Board recessed to closed session at approximately 4:10 p.m.

The Board adjourned from closed session at approximately 6:11 p.m.

The Board adjourned at approximately 6:12 p.m.