



**COMMUNICATION AND PUBLIC EDUCATION COMMITTEE
MEETING MINUTES**

Date: January 19, 2022

Location: Teleconference

Members Present: Ricardo Sanchez, Public Member, Chairperson
Jason Weisz, Public Member, Vice Chairperson
Jose De La Paz, Public Member
Shirley Kim, Public Member
Nicole Thibeau, Licensee Member

Staff Present: Anne Sodergren, Executive Officer
Eileen Smiley, DCA Staff Counsel
Bob Dávila, Public Information Officer

a. Call to Order and Establishment of Quorum

Chairperson Sanchez called the meeting to order at 2:40 p.m. Present: De La Paz, Kim, Thibeau, Weisz, Sanchez. Absent: Koenig. Quorum established.

b. Public Comment for Items Not on the Agenda; Matters for Future Meetings

No public comment. No committee member comment.

c. Review of Educational Materials Regarding How to File a Complaint under SB 362 and General Whistleblower Protections under California Law

Chairperson Sanchez noted Senate Bill 362 prohibits a community chain pharmacy from using a quota to evaluate the performance of a pharmacist or pharmacy technician, and from communicating the existence of such a quota to its pharmacists and pharmacy technicians. The law also authorizes the Board to take enforcement action for violations. He added the Board requested development of educational materials for licensees to implement the law, including a complaint process and whistleblower protections.

Staff noted the Board has existing resources for consumer complaints – including a brochure and online complaint form – that could be revised to include sections for licensee complaints related to SB 362. Alternatively, the Board could create separate forms and materials for SB 362 complaints. Staff presented sample text for a possible brochure regarding SB 362 complaints in the committee report.

Staff also noted that although SB 362 does not include whistleblower protections, California law provides general protections for employees alleging employer violations of laws or regulations. For example, a sample [workplace notice regarding whistleblower protections](#)

published by the state Division of Labor Standards Enforcement discusses protections for employees and advises that information about possible violations be reported to the state Attorney General's Whistleblower Hotline.

Ms. Thibeau asked if a licensee who files a complaint could remain anonymous and if the Board could decline to share a licensee's identity with the pharmacy. Ms. Sodergren replied the Board does investigate anonymous complaints; however, they can be difficult to investigate because investigators sometimes need additional information from the complainant. Ms. Smiley noted the Board may not be able to shield a complainant's identity from discovery requests in administrative hearings or from subpoenas in complaints that amount to violations of federal law.

Ms. Thibeau said educational materials about SB 362 should explain these confidentiality issues to licensees. She also supported including information directing complainants to materials regarding whistleblower protections. Mr. Weisz agreed and also supported creating a brochure for licensees on how to file complaints related to SB 362, including the text in the committee report.

Motion: Recommend to the Board approval of establishing a complaint process specifically for pharmacy employees and include references to whistleblower protections as well as provisions for anonymity and confidentiality consistent with legal provisions.

M/S: Weisz/De La Paz

In public comments, Danny Martinez of California Pharmacists Association expressed support for educational materials for licensees, including information regarding anonymity and whistleblower protections.

Jassy Grewal of UFCW Western States Council agreed and also recommended that information about SB 362 and whistleblower protections be communicated to chain pharmacy PICs, that it provide the pros and cons of filing an anonymous complaint, and that it explain what happens when an investigator visits a pharmacy in response to an SB 362 complaint and how that relates to other violations in the pharmacy.

Yes: De La Paz, Kim, Thibeau, Weisz, Sanchez.

No: None.

Abstain: None.

d. Update on Communication and Public Education Activities by Staff

Ms. Sodergren provided a brief overview of the items in this section.

1. The Script

Ms. Sodergren reported the newsletter articles were written and publication was expected by February.

2. Projects under Development

Ms. Sodergren noted the committee asked staff to explore possible alternatives to the current process of completing a PDF form for pharmacies to perform self-assessment. She reported Board staff met with DCA's internet team and Organizational Improvement Office (OIO) to discuss developing an online, interactive process for pharmacy self-assessment to replace the current paperwork process. Staff plans to meet again with OIO to develop different use cases and business process mapping that could be used by OIO to develop a possible alternative process for self-assessment. She said the meeting is expected before the end of the fiscal year, subject to resource availability.

3. Staff Outreach

Mr. Dávila reported staff provided Webex training for pharmacists on prescription drug abuse and diversion November 16, 2021. In addition, staff performed other outreach activities listed in the committee report.

4. News Media

Staff reported responding to news media inquiries listed in the meeting materials.

Committee members had no comments and took no action on this item. No public comment.

e. Future Meeting Dates

Chairperson Sanchez announced the committee's remaining meeting dates in 2022: April 26, July 19, and October 25.

Adjournment

Chairperson Sanchez adjourned the meeting at 3:04 p.m.