



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



Notice of Meeting and Agenda Teleconference Public Board Meeting

DATES & TIMES: Thursday, May 7, 2020, 9:00 a.m.

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-25-20, dated March 12, 2020, neither a public location nor teleconference locations are provided.

INSTRUCTIONS FOR OBSERVATION:

WEBCAST: <https://thedcapage.blog/webcasts> Webcast will be available earliest at 9:00 a.m. on May 7, 2020.

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE <https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=ed2d5b5fa98d107da37174d2d7a6d63e3>

The preferred audio connection is via phone bridge. The phone number and access code will be provided as part of your connection to the meeting. General instructions for using WebEx can be found at the end of the agenda.

Important Notices to the Public: The Board of Pharmacy will hold a meeting via WebEx – access information is provided above. General instructions for using WebEx are attached to the agenda. The meeting is open to the public and is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Debbie Damoth at (916) 518-3090, by emailing debbie.damoth@dca.ca.gov or sending a written request to the Board of Pharmacy, 2720 Gateway Oaks Drive, Suite 100, Sacramento CA 95833. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

Discussion and action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President. In the event a quorum of the board is unable to attend the meeting, or the board is unable to maintain a quorum once the meeting is called to order, the members present may, at the president's discretion, continue to discuss items from the agenda and make recommendations to the full board at a future meeting.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board or prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issues before the board, but the president may, at his or her discretion, apportion available time among those who wish to speak. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)). The Board plans to webcast this meeting on its website at www.pharmacy.ca.gov. Webcast availability cannot, however, be guaranteed due to limited resources or technical difficulties. The meeting will not be cancelled if webcast is not available. Using the WebEx link will allow for participation and observation. Using the Webcast link will allow for observation with closed captioning. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

Agenda

Thursday, May 7, 2020

Call to Order

9:00 a.m.

- I. **Call to Order, Establishment of Quorum, and General Announcements**
- II. **Public Comments on Items Not on the Agenda/Agenda Items for Future Meetings**
Note: The board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code sections 11125, 11125.7(a)]
- III. **Approval Board Meeting Minutes**
 - a. January 29-30, 2020, Minutes
 - b. March 27, 2020, Minutes
- IV. **Board Officer Elections**
- V. **Update from the Department of Consumer Affairs**
- VI. **Review and Possible Amendment to Policy Granting President Discretion to Waive Provisions of Pharmacy Pursuant to Business and Professions Code section 4062, Including the Authority to Extend Waivers**
- VII. **Discussion and Consideration of Requests to Waive Pharmacy Law Provisions Consistent with the Authority of Business and Professions Code section 4062**
 - a. Stanford Health, Waiver of Title 16, California Code of Regulation (CCR) Sections 1735.6(e) & 1751(d)(2)
 - b. PETNet, Waiver of Business and Professions Code section 4126.8 & Title 16, CCR Section 1751.5
 - c. CAP Rx, Inc, Waiver of Business and Professions Code section 4126.8 & Title 16, CCR Section 1735.1(x)
- VIII. **Discussion and Consideration of Adoption of Board Approved Regulations, Comments Pending Review by the Board**
 - a. Proposed Regulation to Add Title 16, Section 1714.3, Community Pharmacy Staffing
 - b. Proposed Regulation to Amend Title 16, Sections 1769 and 1770, Substantial Relationship and Rehabilitation Criteria
 - c. Proposed Regulation to Amend Title 16, Sections 1702, 1702.1, 1702.2, 1702.5, Renewal Requirements
 - d. Proposed Regulation to Amend Title 16, Section 1707, Off-Site Storage
- IX. **Discussion and Consideration of the Board's Strategic Plan**
- X. **Licensing Committee**
 - a. Update on Implementation of Recently Enacted Legislation -- SB 159 (Weiner, Chapter 532, Statutes

of 2019) Related to HIV Preexposure and Postexposure Prophylaxis

b. Review of Licensing Statistics

XI. Enforcement and Compounding Committee

a. Discussion and Consideration of Policy Statement Regarding Applicability of Board Compounding Regulations and USP Compounding Chapters While Pending Appeals Before USP

b. Review of Enforcement Statistics

XII. Communication and Public Education Committee

a. Update on Communications to Licensees and Stakeholders Regarding COVID-19

b. Discussion and Consideration of Committee's Strategic Goals

XIII. Legislation and Regulation Committee

a. Board Adopted Regulations Approved by the Office of Administrative Law

1. Proposed Regulation to Amend Title 16 CCR Section 1746.3 Related to Naloxone Fact Sheet

b. Discussion and Consideration of Board Adopted Regulations Undergoing Final Review by the Office of Administrative Law

1. Proposed Regulation to Amend Title 16 CCR Section 1707.2 Related to Duty to Consult

2. Proposed Regulation to Amend Title 16 CCR Section 1706.2 Related to Abandonment of Applications

3. Emergency Regulation to Add Title 16 CCR Section 1747 Related to Independent HIV Preexposure and Postexposure Prophylaxis Furnishing

c. 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

1. Proposed Regulation to Add Title 16 CCR Section 1717.5 Related to Automatic Refill Programs

2. Proposed Regulation to Amend Title 16 CCR Section 1709 Related to Pharmacy Ownership, Management, and Control, Including Through Trusts

3. Proposed Regulations to Amend Title 16 CCR Sections 1780-1783 et seq., Related to Dangerous Drug Distributors and Third-Party Logistics Providers

4. Proposed Regulation to Amend Title 16 CCR Section 1715 to Update Self-Assessment Forms 17M-13 and 17M-14

5. Proposed Regulation to Amend Title 16 CCR Section 1784 to Update the Wholesaler/3PL Self-Assessment Form 17M-26

6. Proposed Regulations to Amend Title 16 CCR Section 1711 Related to Quality Assurance Programs for ADDS, Section 1713 Related to Use of Receipt and Delivery of Prescriptions and Prescription Medications, and Add Section 1715.1 Related to ADDS Self-Assessment Form 17M-112

7. Proposed Permanent Regulation to Add Title 16 CCR Section 1747 Related to Independent HIV Preexposure and Postexposure Prophylaxis Furnishing

d. Discussion and Consideration of Board Approved Text to Initiate Rulemaking – Board Staff Drafting Rulemaking Documents for Pre-Notice Review by the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency

1. Proposed Regulations to Amend Title 16 CCR Section 1793.5 Related to the Pharmacy Technician Application, Section 1793.6 Related to the Pharmacy Technician Training Requirements, and Section 1793.65 Related to the Pharmacy Technician Certification Programs

2. Proposed Regulation to Amend Title 16 CCR Section 1715.6 Related to Drug Losses

3. Proposed Regulation to Amend Title 16 CCR Section 1715.65 Related to Inventory Reconciliation

XIV. Organizational Development Committee

- a. Budget Update/Report
- b. Board Member Attendance Information
- c. Personnel Update
- d. Board and committee calendar for the remainder 2020

XV. Closed Session Matters

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

XVI. Reconvene Open Session

Adjournment

Upon conclusion of business

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