



California State Board of Pharmacy
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833
Phone: (916) 518-3100 Fax: (916) 574-8618
www.pharmacy.ca.gov

Business, Consumer Services and Housing Agency
Department of Consumer Affairs
Gavin Newsom, Governor



Notice of Meeting and Agenda Teleconference Public Board Meeting

DATES & TIMES: January 27, 2022, 1:00 p.m.
January 28, 2022, 9:00 a.m.

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

INSTRUCTIONS FOR OBSERVATION:

WEBCAST: <https://thedcapage.blog/webcasts> Webcast will be available at 1:00 p.m. on January 27, 2022, and 9:00 a.m. January 28, 2022.

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE

January 27, 2022 - To access the Webex event, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m2a245af9dfc9aa49f0506d1bdd825800>

If joining using the link above

Event number: 2499 563 3058
Event password: CSBP01272022

If joining by phone

+1-415-655-0001 US Toll
Access code: 249 956 33058
Passcode: 27270127

January 28, 2022 - To access the Webex event, attendees will need to click the following link and enter their first name, last name, email, and the event password listed below:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m5c00200a6ff131b7ab840d98a318e2b4>

If joining using the link above

Event number: 2495 490 9763
Event password: CSBP01282022

If joining by phone

+1-415-655-0001 US Toll
Access code: 249 549 09763
Passcode: 27270128

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. Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will need to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address like in the following sample format: XXXXX@mailinator.com. The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Lori Martinez at (916) 518-3078, by emailing lori.martinez@dca.ca.gov or sending a written request to the Board of Pharmacy, 2720 Gateway Oaks Drive, Suite 100, Sacramento CA 95833. Providing your request at least five business days before the meeting will help to ensure availability of the requested accommodation.

The time and order of agenda items are subject to change at the discretion of the Board President. In the event a quorum of the Board is unable to attend the meeting, or the Board is unable to maintain a quorum once the meeting is called to order, the members present may, at the President’s discretion, continue to discuss items from the agenda and make recommendations to the full Board at a future meeting.

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

Agenda

Discussion and action may be taken on any agenda item.

Thursday, January 27, 2022

Call to Order

1:00 p.m.

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

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

Note: The board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code sections 11125, 11125.7(a)]

- III. **Approval Board Meeting Minutes**
 - a. October 27-28, 2021, Board Meeting
 - b. December 2, 2021, Board Meeting

- IV. **Discussion and Consideration of Adoption of Board Approved Regulation, Title 16, California Code of Regulations Sections 1793.5, 1793.6, 1793.65, Pharmacy Technician Application, Including Consideration of Public Comments Received During 45-Day Comment Period**

- V. **Discussion and Consideration of Adoption of Board Approved Regulation, Title 16, California Code of Regulations Section 1708.1, Notification of Temporary Closure, Including Consideration of Public Comments Received During 45-Day Comment Period**

- VI. **Discussion and Consideration of Adoption of Board Approved Regulation, Title 16, California Code of Regulations Section 1715.65, Inventory Reconciliation, Including Consideration of Public Comments Received During 15-Day Comment Period**

- VII. **Presentation on Standard of Care Provided by the Office of the Attorney General**

- VIII. **Update on the Multistate Pharmacist Jurisprudence Examination Audit Performed by the Office of Professional Examination Services**

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

- X. **Update from the Department of Consumer Affairs**

- XI. **Enforcement and Compounding Committee Report**

The Board will review a summary of the Committee’s work at its January 18, 2022, meetings as well as updates for discussion and action as necessary.

 - a. Discussion and Consideration of Board’s Disciplinary Guidelines
 - b. Discussion and Consideration of the Draft Frequently Asked Questions Developed to Discuss Requirements for Outsourcing Facilities providing Patient Specific Prescriptions
 - c. Discussion and Consideration of Senate Bill 311 (Hueso, Chapter 384, Statutes of 2021) Compassionate Access to Medical Cannabis Act or Ryan’s Law
 - d. Discussion and Consideration of Self-Assessment Forms
 - 1. Community Pharmacy/Hospital Out-Patient Self-Assessment (17M-3)
 - 2. Compounding Self-Assessment (17M-39)
 - 3. Hospital Pharmacy Self-Assessment (17M-14)
 - 4. Wholesaler Dangerous Drugs and Devices Self-Assessment (17M-26)
 - 5. Automated Drug Delivery System Self-Assessment (17M-112)
 - e. Review and Discussion of Enforcement Statistics

XII. Discussion and Consideration of Adoption of Board Approved Self-Assessment Forms, Including Consideration of Public Comments Received during the 45-Day Comment period

- a. Community Pharmacy/Hospital Out-Patient Self-Assessment (17M-13)
- b. Hospital Pharmacy Self-Assessment (17M-14)
- c. Wholesaler Dangerous Drugs & Devices Self-Assessment (17M-26)

XIII. Licensing Committee Report

The Board will review a summary of the Committee's work at its January 19, 2022, meeting, as well as updates for discussion and action as necessary.

- a. Discussion and Consideration of Business and Professions Code Section 4071.1, Board's Waiver to Facilitate Provisions for Remote Processing and Consideration of Possible Changes in Statute or Regulation to Establish Permanent Authority Under Specified Conditions
- b. Discussion and Consideration of Requirements to Serve as a Pharmacist-in-Charge
- c. Discussion and Consideration of Renewal Requirements of Pharmacists and Possible Changes
- d. Discussion and Consideration of CCR Section 1730.1 Related to Application Requirements for Advance Practice Pharmacist Licensure Including Possible Amendments
- e. Review and Discussion of Licensing Statistics

XIV. Communication and Public Education Committee Report

The Board will review a summary of the Committee's work at its January 19, 2022, meeting, as well as updates for discussion and action as necessary.

- a. Review of Education Materials Regarding How to File a Complaint under SB 362 and General Whistleblower Protections Under California Law
- b. Update on Communication and Public Education Activities by Staff
 1. The Script
 2. Projects Under Development
 3. Staff Outreach
 4. News Media

XV. Legislation and Regulation Committee Update

The Board will review a summary of the Committee's work at its January 18, 2022, meeting as well as updates for discussion and action as necessary

- a. Discussion and Consideration of Draft Frequently Asked Questions relating to Senate Bill 212 (Chapter 1004, Statutes of 2018) Solid Waste: Pharmaceutical and Sharp Waste Stewardship
- b. Discussion and Consideration of California Code of Regulation Sections 1717 and 1717.4 Related to Electronic Prescriptions Including Possible Changes
- c. Discussion and Consideration of Pending Legislation Impacting the Practice of Pharmacy, the Board's Jurisdiction or Board Operations
 1. Assembly Bill 458 (Kamlager) Importation of Prescription Drugs
 2. Assembly Bill 646 (Low) Department of Consumer Affairs: Boards: Convictions
 3. Assembly Bill 1328 (Irwin) Clinical Laboratory Technology and Pharmacists
 4. Assembly Bill 731 (Durazo) Criminal Records: Relief
- d. Board Adopted Regulations Under Final Review by the Office of Administrative Law
 1. Proposed Regulation to Amend Title 16 CCR Section 1715.6 Related to Reporting Drug Losses

2. Proposed Regulation to Amend Title 16 CCR Section 1709 Related to Pharmacy Ownership, Management, and Control, Including Through Trusts
3. Proposed Regulation to Amend Title 16 CCR Section 1704 Related to Address Change Notification
4. Proposed Regulation to Amend Title 16 CCR Section 1746.4 Related to Administering Vaccines
- e. Board Adopted Regulations Undergoing Pre-Notice Review by the Department of Consumer Affairs or the Business, Consumer Services and Housing Agency
 1. Proposed Regulation to Amend Title 16 CCR Section 1735.2 to Update the Compounding Self-Assessment Form 17M-39
- f. Discussion and Consideration of Board Approved Text to Initiate Rulemaking – Staff Drafting Documents for Pre-Notice Review by the Department of Consumer Affairs and the Business, Consumer Services and Housing Agency
 1. Proposed Regulation to Amend Title 16 CCR Section 1707.6 Related to the Notice to Consumers

XVI. Organizational Development Committee Report

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

XVII. Executive Officer Report

- a. Discussion of Board’s Response to COVID-19 Pandemic and Actions Taken by Other Agencies
- b. CURES Update

XVIII. Closed Session Matters

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

Reconvene Open Session, if necessary

XVII. Adjournment

Upon conclusion of business

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