



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: June 21, 2019

Location: Keck Graduate Institute, School of Pharmacy
517 Watson Drive, Founders Room #165
Claremont, CA 91711

Board Members

Present: Victor Law, Licensee Member, President
Gregory Lippe, Public Member, Vice President
Allen Schaad, Licensee Member, Treasurer
Ryan Brooks, Public Member
Lavanza Butler, Licensee Member
Amjad Khan, Public Member
Ricardo Sanchez, Public Member
Maria Serpa, Licensee Member
Albert Wong, Licensee Member

Board Members

Not Present: Shirley Kim, Public Member
Valerie Muñoz, Public Member
Stanley Weisser, Licensee Member
Deborah Veale, Licensee Member

Staff Present: Anne Sodergren, Interim Executive Officer
Laura Freedman, DCA Staff Counsel
Kelsey Pruden, DCA Staff Counsel
Desiree Tulleners, Deputy Attorney General
MaryJo Tobola, Senior Enforcement Manager
Laura Hendricks, Associate Analyst

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

Vice President Greg Lippe called the meeting to order at 9:05 a.m. Roll call was taken, and a quorum was established. Board Members Present: Ryan Brooks, Lavanza Butler, Greg Lippe, Amjad Khan, Allen Schaad, Ricardo Sanchez, Maria Serpa and Albert Wong.

Note: Victor Law arrived at 9:25 a.m.

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

Danny Martinez representing CPhA requested the board update the cases pending with the Office of Administrative Hearing on the board’s website.

Robert Stein representing CSHP notified the board of a bill in the legislature AB 1264 originally sponsored by Planned Parenthood with the sole purpose of ensuring the term “prior examination” did not indicate it needed to be synchronized with the actual visit. On June 13, 2019, the bill language was changed to apply to all prescribed substances. CSHP’s concern is that will apply to internet prescribing that wasn’t anticipated and read recommended language.

Pharmacist Robert Shiepe notified the board that medical facilities are not complying with Business and Professions Code (BPC) section 4192 requiring medical facilities to be inspected by a staff pharmacist every 90 days. Pharmacist Shiepe stated the medical facility surgical centers do not have a staff pharmacist and are not being inspected every 90 days.

III. Recognition and Celebration of Pharmacists Licensed in California for 50 Years

There were no 50-year pharmacists in attendance.

IV. Discussion and Consideration of Proposal to Modify Title 16, California Code of Regulations Section 1749 Related to Fees, Including Review of Public Comments and, Potentially, Modified Text

Vice President Lippe explained that at the December 2018 Board meeting, the board approved proposed text to amend Section 1749 of Title 16, CCR, related to the board’s fee schedule. This proposal updates the board’s fee schedule by increasing the board’s fees to address the structural imbalance within the board’s budget.

Vice President Lippe stated that as required by the Administrative Procedure Act, board staff released the proposed text for the 45-day comment period on April 26, 2019. The comment period ended on June 10, 2019.

Vice President Lippe confirmed that the board members all had reviewed the proposed text and comments received. There were no comments from the board.

There were no comments from the public.

MOTION: Adopt the regulation language as noticed on April 26, 2019, and delegate to the executive officer the authority to make technical or nonsubstantive changes as may be required by a Control agency to complete the rulemaking file.

M/S: Brooks/Schaad

Support: 8 Oppose: 0 Abstain: 0

| Board Member | Support | Oppose | Abstain | Not Present |
|--------------|---------|--------|---------|-------------|
| Brooks | x | | | |
| Butler | x | | | |
| Khan | x | | | |
| Kim | | | | x |
| Law | | | | x |
| Lippe | x | | | |
| Muñoz | | | | x |
| Sanchez | x | | | |
| Schaad | x | | | |
| Serpa | x | | | |
| Veale | | | | x |
| Weisser | | | | x |
| Wong | x | | | |

V. Discussion and Consideration of Proposal to Modify Title 16, California Code of Regulations Section 1746.3 Related to the Naloxone Fact Sheet, Including Review of Public Comments and, Potentially, Modified Text

Vice President Lippe explained at the July 2017 Board meeting, the board approved proposed text to modify section 1746.3 of Title 16, CCR, related to the Naloxone Fact Sheet. This proposal amends the board’s regulations regarding the naloxone fact sheet that must be provided to consumers upon furnishing naloxone hydrochloride.

Vice President Lippe stated that as required by the Administrative Procedure Act, board staff released the proposed text for the 45-day comment period on April 26, 2019. The comment period ended on June 17, 2019.

Vice President Lippe confirmed the board received no comments during the comment period. There were no comments from the board. There were no comments from the public.

MOTION: Adopt the regulation language as noticed on April 26, 2019, and delegate to the executive officer the authority to make technical or non-substantive changes as may be required by a Control agency to complete the rulemaking file.

M/S: Schaad/Butler

Support: 8 Oppose: 0 Abstain: 0

| Board Member | Support | Oppose | Abstain | Not Present |
|--------------|---------|--------|---------|-------------|
| Brooks | x | | | |
| Butler | x | | | |
| Khan | x | | | |
| Kim | | | | x |
| Law | | | | x |

| Board Member | Support | Oppose | Abstain | Not Present |
|--------------|---------|--------|---------|-------------|
| Lippe | x | | | |
| Munoz | | | | x |
| Sanchez | x | | | |
| Schaad | x | | | |
| Serpa | x | | | |
| Veale | | | | x |
| Weisser | | | | x |
| Wong | x | | | |

VI. Discussion and Consideration of Proposal to Add Title 16, California Code of Regulations Section 1793.9 Related to Remote Dispensing Pharmacy Technicians, Including Review of Public Comments and, Potentially, Modified Text

Vice President Lippe reported in the meeting material included comments and staff responses to the comments received during the 45-day comment period from April 12, 2019, to May 28, 2019. Vice President Lippe confirmed that the board members all had reviewed the proposed text and comments received. There were no comments from the board.

At the July 2017 Board meeting, the board approved proposed text to add Section 1793.9 of Title 16, CCR, related to Remote Dispensing Pharmacy Technicians. This proposal establishes the regulatory requirements for pharmacy technicians working in a remote dispensing site pharmacy. As required by the Administrative Procedure Act, board staff released the proposed text for the 45-day comment period on April 12, 2019. The comment period ended on May 28, 2019. The proposed text and comments are attached following this memo.

DCA Counsel Freedman and Pruden clarified based on discussion in response to Pharmacist Adams' comment about the basis for determining the degree was appropriate. Ms. Freedman indicated the draft response calls out communication skills but recalled the board also discussed other factors such as the individual's diligence, ability to follow rules, organizational skills and analytical skills to be reflected in the final rulemaking file. These items were also part of the committee's discussion determining why the degree establishes the baseline for the pharmacy technician.

The board heard comments from the public indicating concern that the experiential requirement of 1,000 hours is insufficient and recommended 1,000-2,000 hours of experience.

Board President Victor Law arrived at 9:25 am.

Vice President Lippe recommend the board defer action until the next meeting to see how the legislation goes.

Interim Executive Officer Anne Sodergren advised the board the statute provides the requirements for the pharmacy technician working in the remote pharmacy. The board was charged with establishing the minimum requirements for the pharmacy technicians working in that environment. The board initiated its rulemaking at the same time the Legislature decided to pursue legislation to

put the requirements into statute.

The board took a break at 9:32 am and returned from break at 1:30 pm.

VII. Petitions for Reinstatement of Licensure, Early Termination, or Other Reduction of Penalty

Administrative Law Judge Erlinda Shrenger presided over the following petitions for reduction of penalties.

- Olusoji Akanwo, RPH 46882

The board took a break at 2:08 pm and returned from break at 2:16 pm.

- Kent Miles, RPH 30244

VIII. Closed Session Matters

The board recessed to closed session at 3:06 pm.

IX. Reconvene Open Session

The board returned to open session.

X. Adjournment Upon Conclusion of Business

President Law adjourned the meeting.