



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
Licensing Committee Meeting Minutes**

Date: October 17, 2024

Location: OBSERVATION AND PUBLIC COMMENT IN PERSON:
California State Board of Pharmacy
2720 Gateway Oaks Drive,
First Floor Hearing Room
Sacramento, CA 95833

California State Board of Pharmacy staff members were present at the observation and public comment location.

PUBLIC PARTICIPATION AND COMMENT FROM A REMOTE LOCATION: WebEx

**Board Members
Present:**

Seung Oh, PharmD, Licensee Member, Chairperson
Trevor Chandler, Public Member, Vice Chairperson
Renee Barker, PharmD, Licensee Member
Jessi Crowley, PharmD, Licensee Member
Satinder Sandhu, PharmD, Licensee Member

**Board Members
Not Present:**

Jason Weisz, Public Member

Staff Present:

Anne Sodergren, Executive Officer
Julie Ansel, Deputy Executive Officer
Corinne Gartner, DCA Counsel
Shelley Ganaway, DCA Counsel
Debbie Damoth, Executive Specialist Manager

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

Chairperson Oh called the meeting to order at approximately 9:00 a.m. As part of the opening announcements, Chairperson Oh reminded everyone that the Board is a consumer protection agency charged with administering and enforcing Pharmacy Law. Department of Consumer Affairs' staff provided instructions for participating in the meeting.

Roll call was taken. The following members were present via WebEx: Trevor Chandler, Public Member; Renee Barker, Licensee Member; Jessi Crowley, Licensee Member; Satinder Sandhu, Licensee Member; and Seung Oh, Licensee Member. A quorum was established.

Dr. Oh reminded Committee members to remain visible with cameras on throughout the open session of the meeting. Dr. Oh advised if members needed to temporarily turn off their camera due to challenges with internet connectivity, they must announce the reason for their nonappearance when the camera was turned off.

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

Members of the public participating in Sacramento were provided the opportunity to provide comment; however, no public comment was made in Sacramento.

Members of the public participating via WebEx were provided the opportunity to provide comment. The Committee heard comments from three pharmacy residents expressing concerns about the CPJE schedule. Executive Officer Sodergren asked that the residents reach out directly to her to discuss their concerns.

III. Approval of Draft Minutes of the July 19, 2024 and September 4, 2024 Licensing Committee Meetings

July 19, 2024

The draft minutes of the July 19, 2024 Licensing Committee meeting were presented for review and approval.

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

Motion: Approve the draft July 19, 2024 Licensing Committee meeting minutes as presented in the meeting materials.

M/S: Chandler/Crowley

Members of the public participating in Sacramento and via WebEx were provided the opportunity to provide comment; however, no public comment was made.

Support: 5 Oppose: 0 Abstain: 0 Not Present: 1

Board Member	Vote
Barker	Support
Chandler	Support
Crowley	Support
Oh	Support
Sandhu	Support
Weisz	Not Present

September 4, 2024

The draft minutes of the September 4, 2024 Licensing Committee meeting were presented for review and approval.

Members were provided the opportunity to comment. Dr. Crowley asked to have clarification added regarding her comment on page 7 of 9.

Motion: Approve the draft September 4, 2024 Licensing Committee meeting minutes with corrections noted.

M/S: Crowley/Chandler

Members of the public participating in Sacramento and via WebEx were provided the opportunity to provide comment; however, no public comment was made.

Support: 5 Oppose: 0 Abstain: 0 Not Present: 1

Board Member	Vote
Barker	Support
Chandler	Support
Crowley	Support
Oh	Support
Sandhu	Support
Weisz	Not Present

IV. Presentation by the California Pharmacists Association on Assembly Bill 317 (Weber, Chapter 322, Statutes of 2023) related to Pharmacist Service Coverage

Dr. Oh explained AB 317 established requirements for health care services plans and certain disability insurers to pay or reimburse the costs of services performed by a pharmacist under specified conditions. Dr. Oh welcomed Dr. Steve Chen, PharmD and Dr. Kevin Komoto, PharmD to provide a presentation on implementation of AB 317.

Dr. Crowley left the meeting at approximately 9:20 a.m.

Following the presentation, members were provided the opportunity to comment. Members asked about implementation implications for HMOs and challenges related to electronic medical records (EMR). The presenters advised CPhA was trying to establish relationships with different groups to have different EMR options in the pipeline for members. They explained there were some within the community pharmacy setting that were using pharmacy management systems trying to integrate their own medical record system to varying levels of success. They were also looking at third-party options as well. Members also asked about medical billing barriers. The presenters explained some companies have made progress with the pharmacy friendly platforms for conducting medical billing because it simplified the process. The presenters noted the opportunity for pharmacists to be educated so that medical billing was done using the correct codes.

Dr. Crowley returned at approximately 9:52 a.m.

Members of the public participating in Sacramento and via WebEx were provided the opportunity to comment; however, no comments were made.

V. Discussion and Consideration of Proposed Changes to Board-Provided Training for Furnishing HIV Preexposure and Postexposure Prophylaxis

Dr. Oh advised recent changes in California law updated the provisions for pharmacist-furnished HIV preexposure prophylaxis (PrEP). To address these changes, the Board adopted emergency regulations. Dr. Oh noted it was also appropriate to update the Board's training program to incorporate

the changes in statutes as well as the standards for pharmacist-furnished HIV preexposure and postexposure prophylaxis consistent with the statute. Dr. Oh thanked Dr. Betty Dong, Dr. Clint Hopkins, experts with the Office of AIDS and Department of Health Care Services for their assistance with updating the training program. Dr. Oh noted following approval by the Board, Dr. Dong would finalize the program and quiz. The training would then be deployed on the Board's new learning management system. Dr. Oh referenced training program slides included in the meeting materials, adding that he had reviewed the materials and believed they were appropriate.

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

Motion: Recommend approval of the updated training program.

M/S: Crowley/Barker

Members of the public participating in Sacramento and via WebEx were provided the opportunity to comment; however, no comments were made.

Support: 5 Oppose: 0 Abstain: 0 Not Present: 1

Board Member	Vote
Barker	Support
Chandler	Support
Crowley	Support
Oh	Support
Sandhu	Support
Weisz	Not Present

VI. Discussion and Consideration of Proposed Follow-up Survey on Working Conditions

Dr. Oh recalled as part of the Board's prior sunset review, the Board committed to conducting a survey on working conditions in community pharmacies. The survey was conducted and released in 2021. Dr. Oh noted it appeared appropriate to conduct a follow-up survey to gauge

current working conditions and gain insights from pharmacists on the implementation of provisions included in AB 1286 related to working conditions. Dr. Oh reported that experts within DCA's Office of Professional Examination Services would again be available to assist if the Board determined deployment of a survey was again appropriate.

Members were provided the opportunity to comment. Members spoke in favor of having a follow up survey with emphasis on rank and file pharmacists and including pharmacy technicians. They discussed using the same questions as the previous survey and adding questions related to pharmacist-in-charge (PIC) autonomy over scheduling, workload to staff ratios, minimum staffing, quotas, and compliance with AB 1286 and SB 1442. Members discussed sending out the survey at the same time of year as the 2021 survey had been sent out. They discussed allowing for a long response time and recommended advertising it to pharmacists and pharmacy technicians to make it accessible and encourage responses.

Members of the public participating in Sacramento were provided the opportunity to comment. A representative of CPhA asked about the goal of the follow-up survey and recommended using the same questions if the purpose of the survey was to compare the impact of new laws.

Members of the public participating via WebEx were then provided the opportunity to comment. Members heard comments in support of doing a follow-up survey from UFCW WSC and from a pharmacist, who suggested that the survey include questions on PIC and pharmacist on duty staffing autonomy, recourse for denial of staffing increases, and staffing under Business and Professions Code (BPC) section 4113.6.

Motion: Approve conducting a follow-up survey on working conditions and delegate to President Oh to work with the executive officer to develop questions consistent with the Committee's discussion.

M/S: Crowley/Barker

Members of the public participating from Sacramento and via WebEx were provided the opportunity to comment; however, no comments were made.

Support: 5 Oppose: 0 Abstain: 0 Not Present: 1

Board Member	Vote
Barker	Support
Chandler	Support
Crowley	Support
Oh	Support
Sandhu	Support
Weisz	Not Present

The Committee took a break from 10:24 a.m. to 10:40 a.m. Roll call was taken. The following members were present via WebEx: Trevor Chandler, Public Member; Renee Barker, Licensee Member; Jessi Crowley, Licensee Member; Satinder Sandhu, Licensee Member; and Seung Oh, Licensee Member. A quorum was established.

VII. Presentation on Changes to Pharmacy Application Process

Dr. Oh welcomed Executive Officer Sodergren who provided a presentation reviewing the changes to the pharmacy application process.

Dr. Oh thanked licensing staff and counsel for undertaking review of the application process and working to provide applicants with additional information to understand the requirements. Dr. Oh believed the charts illustrating the various ownership types, requirements and supporting documents were helpful. Dr. Oh asked to create a section for non-profit corporations.

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

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

Members of the public participating via WebEx were then provided the opportunity to comment. The Committee heard comments from an applicant, several pharmacists, and an attorney who represents applicants. Comments expressed concern for the time taken to process applications and agreed with adding a specific section for not-for-profit applicants. Comments also asserted that the application review process was overly complicated.

DCA Counsel Gartner noted that pursuant to BPC section 4201 the Board has statutory authority to ask for information for each person beneficially interested in or with management and control over an applicant. Additionally, BPC section 4207 gives broad authority to the Board to investigate all matters related to applications, such that the Board may request any information it deems necessary to complete the application investigation. Executive Officer Sodergren advised transparency of application processing statistics was provided and reviewed on a quarterly basis by the Licensing Committee and Board. She also noted that applicant ownership structures have grown increasingly complex

Members discussed the importance of balancing consumer protection through the application review process with minimizing unnecessary paperwork. Members also expressed support for creating a sample application and using a focus group to review the revised application. Ms. Sodergren underscored the challenges and nuances of complex ownership structures.

VIII. Discussion and Consideration of Proposed Changes to Application Questions for Individual Licenses

Dr. Oh referenced meeting materials containing background information on the federal Lorna Breen Health Care Provider Protection Act (Act), which seeks to address mental health challenges faced by health care professionals. Dr. Oh learned about this Act and the Wellbeing First Champion Challenge during the annual meeting of the National Association of Boards of Pharmacy. He applauded the goal of reducing stigma, enhancing support systems and ultimately improving the wellbeing of health care workers. Dr. Oh believed the approach offered in the meeting materials was appropriate having reviewed the recommendations offered by staff. Dr. Oh requested staff confirm that the proposed changes complied with best practices before developing an implementation plan. He noted given that the pharmacy technician application was incorporated by reference in regulation, the pharmacy technician application would be updated via the rulemaking process where all other applications could be updated more quickly.

Members were provided the opportunity to comment. Members were in support of the recommendation. Members were in agreement with approval in concept so that staff could ensure complying with best practices.

Members of the public participating in Sacramento and via WebEx were provided the opportunity to comment; however, no comments were made.

IX. Open Discussion on Payor Practices that Negatively Impact Patient Care

Dr. Oh advised one of the new issues identified for inclusion by the Board in the Sunset Report was payor practices that negatively impact patient care. He included a discussion on this on today's agenda to ensure the Board had a full picture of the challenges patients face.

Members of the public participating from Sacramento or via WebEx were provided the opportunity to comment; however, no comments were made.

Members were then provided the opportunity to comment.

Members discussed pharmacy benefit manager (PBM) companies using audits as a practice to claw back funds paid to a pharmacy, citing the prescription was not valid and payment wouldn't be made by the PBM for the prescription. Members also expressed concerns about rebates, as well issues such as prior authorization requirements, tiered formularies, and required use of mail order pharmacies, all of which can cause delays in patients receiving their medication.

Dr. Oh agreed to work with staff to create a list of potential solutions for the Board.

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

Members of the public participating via WebEx were provided the opportunity to comment. A pharmacist cautioned the Board to be aware of federal law that holds payors responsible for false claims.

X. Discussion and Consideration of Licensing Statistics.

Dr. Oh referenced meeting materials including a summary of the licensing statistics for the first three months of the fiscal year. Dr. Oh noted improvement in processing times for pharmacy and nonresident pharmacy applications. He was pleased to add that with the exception of

designated representatives, processing times for all individual applications were under 30 days. Dr. Oh thanked licensing staff for their continued hard work.

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

Members of the public participating in Sacramento and via WebEx were provided the opportunity to comment; however, no comments were made.

XI. Future Committee Meeting Dates

Dr. Oh announced the next Licensing Committee meeting was scheduled for January 9, 2025.

XII. Adjournment

The meeting adjourned at 11:43 a.m.