



COMMUNICATION AND PUBLIC EDUCATION COMMITTEE

Ricardo Sanchez, Public Member, Chairperson
Ryan Brooks, Public Member, Vice Chairperson
Shirley Kim, Public Member
Seung Oh, Licensee Member

- a. **Call to Order and Establishment of Quorum**
- b. **Public Comment for Items Not on the Agenda; Matters for Future Meetings**
Note: The committee may not discuss or act on any matter raised during the public comment section that is not included on this agenda, except to place the matter on a future meeting agenda. [Government Code sections 11125 & 11125.7(a)]
- c. **Approval of the January 29, 2020, Communication and Public Education Committee Meeting Minutes**

A draft version of the minutes is in **Attachment 1**.
- d. **Discussion and Consideration of Communication Plan Regarding SB 159 (Wiener, Chapter 532, Statutes of 2019) Related to HIV Preexposure and Postexposure Prophylaxis**

Background

At the January 2020 committee meeting, members discussed how the Board could educate pharmacists to initiate and furnish HIV preexposure and postexposure prophylaxis – known as HIV PrEP and PEP – as authorized by SB 159.

In addition to other suggestions, members said the Board could partner with schools, professional organizations, and stakeholders to develop fact sheets and informational videos explaining operational issues to licensees. The committee also suggested using the Board's website, subscriber alerts and newsletter to educate and encourage pharmacists in furnishing PrEP and PEP medication.

At today's meeting

To expand the reach of the Board's communication efforts, staff has met with members of Please PrEP Me, a community-based group advocacy and education group. Staff and Please PrEP Me have discussed collaborating on messages about the implementation of SB 159 to increase awareness and encourage participation by pharmacists.

Unfortunately, staff has recently been advised that Please PrEP Me will be taking a hiatus beginning June 30, 2020. However, staff will continue to reach out and work with other groups on developing and sharing messages about SB 159, including the California

Department of Public Health (CDPH) and the state Office of AIDS. Staff will report back to the committee on communication and education efforts regarding SB 159.

e. Discussion and Consideration of Providing Information about Possible Consequences of DUI Conviction on License Renewal Notices

Background

At the January 2020 committee meeting, members discussed educating licensees about the possible professional consequences of DUI convictions. Members suggested publishing Script articles noting that a DUI conviction could result in disciplinary action against a license, and about the top 5-10 causes for license revocation.

At the January 2020 Board meeting, members asked what percentage of disciplinary cases involve DUIs. At the May 2020 Board meeting, members asked the Communication and Public Education Committee to discuss providing information to licensees about DUIs as part of the license renewal process.

At today's meeting

A search of closed cases from July 1, 2019, to June 26, 2020, found nine pharmacists were disciplined by the Board for violations of BPC sections 4301(h) and 4301(l), which are related to DUI incidents. However, a staff review of each case found only three of the nine cases involved DUI convictions. The remaining six cases involved activity covered by BPC sections 4301(h) and 4301(l) other than driving under the influence of alcohol or drugs.

By comparison, 21 pharmacists received citations and/or fines for violations of BPC sections 4301(h) and 4301(l) during the same period.

To target pharmacists with information about DUI convictions, the committee could consider recommending the Board print information on inserts that are included with license renewal notices, similar to mailings by the DMV. Alternatively, because a growing number of licensees renew online rather than by mail, the inserts could be included with pocket licenses mailed to licensees upon renewal.

f. Update on Communication and Public Education Activities by Staff

1. The Script

The most recent issue of the newsletter was published in March. Planning for the next issue is expected in summer. Staff also plans to develop an online survey pharmacists can take to receive one hour of CE credit, as directed by the Board.

2. Projects

a) Online registry of services

Staff is working with DCA to complete a registry for the Board's website that consumers can search to find local pharmacies furnishing naloxone, birth control medication, HIV

PrEP/PEP, and other services authorized by state law. The registry is expected to be completed for roll out in the summer.

b) Notice to Consumers poster

Efforts to survey consumer groups for feedback on possible changes to the Notice to Consumers poster have been delayed as staff has responded to the declared state of emergency related to the COVID-19 pandemic. Staff expects to have more information at the next committee meeting.

c) Disciplinary case summaries

Staff is planning to begin publishing summaries of licensee disciplinary cases, which currently are printed in the Script, as a separate publication. The change will enable summaries, which provide important education for licensees, to be published in a timely manner.

3. Board-Provided Training

Staff is developing a WebEx meeting format for providing the prescription drug abuse CE training previously provided at all-day events throughout the state. Participants will log in to the meeting to participate in the training and will take a quiz at the end of the all-day event to receive CE credit. In the coming months, this will be available for licensees to participate.

Staff expects to complete development of the 2020 Pharmacy Law webinar in July. The webinar, which provides one hour of Board-provided CE in law and ethics, will be posted on the Board's website.

4. News Media

Staff provided information to news reporters in response to recent media inquiries listed in **Attachment 2**.

5. Public Outreach

Because of shelter-in-place orders during the COVID-19 pandemic emergency, Board inspectors and staff reported no outreach events since the last committee meeting. It is expected that some events may be scheduled later this year.

g. Future Meeting Dates

The final committee meeting in 2020 is set for Tuesday, October 27.

Adjournment

Upon conclusion of business

Attachment 1

**Draft Minutes – January 29, 2020,
Communication and Public Education
Committee Meeting**



**DRAFT COMMUNICATION AND PUBLIC EDUCATION COMMITTEE
MEETING MINUTES**

Date: January 29, 2020

Location: Embassy Suites by Hilton Los Angeles-Glendale
800 N. Central Ave.
Glendale, CA 91203

Committee Members Present: Ricardo Sanchez, Public Member, Chairperson
Debbie Veale, Licensee Member, Vice Chairperson
Ryan Brooks, Public Member

Committee Members Not Present: Shirley Kim, Public Member
Valerie Muñoz, Public Member

Staff Present: Anne Sodergren, Executive Officer
Norine Marks, DCA Staff Counsel
Jennifer Niklas, Senior Administrative and Policy Manager
MaryJo Tobola, Senior Enforcement Manager
Bob Dávila, Public Information Officer

a. **Call to Order and Establishment of Quorum**

Chairperson Sanchez called the meeting to order at 12:33 p.m. A quorum was established.

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

None.

c. **Approval of the July 24, 2019, Communication and Public Education Committee Meeting Minutes**

M/S: Brooks/Veale

- Support: Sanchez, Veale, Brooks.
- Oppose: None.
- Abstain: None.
- Not present: Kim, Muñoz

d. Discussion and Review of Online Registry Being Developed for Pharmacies Providing Health Care Services

Chairperson Sanchez noted the Board at its July 2019 meeting approved a committee recommendation to create a voluntary registry of pharmacy health services on the Board's website. Consumers could search the registry to find pharmacies offering medications that may be furnished without a prescription pursuant to SB 493 and other legislation.

Staff reported DCA was developing the registry for the Board. Staff also used a laptop computer to demonstrate the search function and provided a preview of the type of information to be made available to consumers, including pharmacy names, addresses, phone numbers, and services offered. Staff said the registry could be operating by spring.

Member Veale suggested adding pharmacists who offer health services but do not work in pharmacies to the registry. Member Brooks recommended periodically checking with pharmacies in the registry to determine whether they are still offering the services.

Public comment: None.

e. Public Education Materials Regarding SB 159 (Wiener, Chapter 532, Statutes of 2019) Related to HIV Preexposure and Postexposure Prophylaxis

Chairperson Sanchez noted the Board at its November 2019 directed the committee to develop public education materials regarding SB 159, which authorizes qualified pharmacists to initiate and furnish HIV preexposure and postexposure prophylaxis, commonly known respectively as HIV PrEP and PEP. He noted staff is monitoring the Licensing Committee's work to develop a regulation to implement SB 159 and identify information that would be helpful to educate pharmacists about the law.

Member Veale said it is important to encourage licensees to get involved in furnishing HIV PrEP and PEP. She noted that getting pharmacists to furnish naloxone, MAT, birth control and other services authorized by state law has been a challenge. Chairperson Sanchez said the Board could use a variety of tools to educate and encourage licensees to get involved, including the website, subscriber alerts, social media, and the Script.

Ms. Sodergren suggested helping licensees understand how to put services authorized by law into practice – for example, how to seek reimbursement for providing services, how to manage required records, etc. Committee members said the Board could partner with experts such as schools, professional organizations, and stakeholders to develop fact sheets and informational videos explaining operational issues to licensees.

Public comment: Danny Martinez of CPhA said the organization would actively encourage its members to get involved in furnishing PrEP and PEP. He said CPhA would work with the

Board on educating licensees about how to operationalize the service. He noted that unlike legislation authorizing pharmacists to furnish naloxone, SB 159 includes provisions authorizing Medi-Cal reimbursement for pharmacists furnishing PrEP and PEP. Member Veale said it is also important to provide information to licensees about documentation in furnishing services under SB 159 and other laws.

A member of the public said a challenge to implementing SB 159 statewide is lower demand and availability of HIV medications in some rural areas than in urban areas. He suggested chain pharmacies could increase distribution of the drugs to their pharmacies in rural areas.

f. Discussion and Consideration of Proposed Changes to Notice to Consumers Poster

Chairperson Sanchez noted committee members at its July 2019 meeting asked staff to recommend ways to refresh the Notice to Consumers poster. He said California Code of Regulations section 1707.6 requires pharmacies to post the notice prominently on site and specifies the wording to be printed on the notice.

Staff suggested the committee might consider possible wording changes for the Notice to Consumers. Staff noted the poster does not reflect changes in prescription labeling requirements, which took effect in 2015. In addition, staff suggested the Board may want to provide information on how to verify a license and how to file a complaint with the Board, similar to the notice wording required by the Medical Board of California. Any changes to the Notice to Consumers would require rulemaking to amend CCR section 1707.6.

Member Veale said issues that were critical when current wording was developed, such as information about interpretive services and drug pricing, may not be as important or relevant to consumers today. Member Brooks said it would be helpful to seek input from the public to find out what issues are important and should be included on the notice. Ms. Sodergren suggested DCA may have consumer groups that could be solicited for feedback.

Members Veale and Brooks also questioned and discussed whether the Notice to Consumers should continue to be required. In addition, they asked what statutory and/or regulatory changes would be required to change the Notice to Consumers wording or to eliminate the requirement to have a Notice to Consumers. Ms. Marks said the notice requirement is addressed in BPC section 4122 as well as CCR section 1707.6. Chairperson Sanchez said he believed the notice is an important aid to consumers.

The committee directed staff to seek feedback from consumers and report back on what kind of information might be more relevant for the Notice to Consumers. In addition, members directed staff to report back on what kind of statutory or regulatory changes would be required to make wording changes and to repeal the notice requirement. Public comment: Steve Gray suggested reaching out to organized consumer groups, such as the California Alliance of Retired Americans, for input on what information would be useful

to include on a Notice to Consumers poster. He also recommended seeking input from pharmacists about what consumers should or need to know.

Mr. Gray also suggested the poster include information advising consumers of the right to ask that the purpose of their medication be included on the prescription label. He reminded the committee about BPC section 4076(e), which requires pharmacists to use professional judgment to provide patients with information enhancing the patient's understanding of the medication's directions for use.

g. Educating Licensees about Possible Consequences of DUI Conviction

Mr. Dávila noted at the July 2019 Board meeting, members suggested providing education to warn licensees about the possible professional consequences if they are convicted of driving under the influence (DUI). It was noted that licensees may not realize a DUI conviction could result in a citation and fine or disciplinary action, including license suspension or revocation. The Board asked the Communication and Public Education Committee to discuss the matter.

Staff noted the Script currently includes summaries of all disciplinary cases, including DUI cases. In addition, staff suggested publishing articles in the Script as well as posting information on the website explaining the potential consequences of a DUI conviction for licensees. Staff also noted that each disciplinary case is unique, and the outcome of a specific case represents a totality of the facts of that case.

Member Brooks suggested a Script article about the top five or 10 causes for license revocation, rather than focusing on DUI cases. Ms. Sodergren noted the agenda item is about educating licensees regarding possible consequences of a DUI conviction and said staff could put an item about educating licensees about the top five or 10 reasons for license revocation on a future committee meeting agenda.

Public comment: Steve Gray said licensees also should be made aware of potential consequences if they are cited for driving under the influence of legal prescription drugs. He also said many licensees do not realize they can be cited for DUI in a boat or other vessel.

Robert Stein of KGI School of Pharmacy said pharmacy law and ethics classes teach students that DUI and other behaviors outside the pharmacy can affect their pharmacy license.

h. Update on Communication and Public Education Activities by Board Staff

1. The Script

Chairperson Sanchez reported articles for the next issue of the Script are undergoing legal review. The next issue will focus on new laws for 2020 and include articles include the top 10 citations, corresponding responsibility, and tips on reporting data to CURES.

2. Projects

Chairperson Sanchez reported that billboards advertising the board's "Use, Don't Abuse" campaign to promote safe disposal of unused medications were erected in California in September. He said Outfront Media generously donated the locations, including two billboards in the Sacramento area, one in Fresno, and two additional locations planned in Southern California. He also thanked Member Brooks for working to provide the billboards.

Staff reported that work is underway on a new pharmacy law update webinar for 2020. The webinar will be posted on the Board's website.

3. News Media

Staff provided a list of news media organizations that contacted the Board's executive officer and public information officer for interviews or background information.

Public comment: Steve Gray asked if information provided to news media is available to the public. Ms. Sodergren advised filing a Public Records Act request as a practical process to ensure the requested information is provided.

4. Public Outreach

Staff provided a list of recent outreach activities by Board inspectors and staff.

i. News or Journal Articles

There were no articles to report.

j. Future Meeting Dates

Chairperson Sanchez reported future 2020 meeting dates for the Communication and Public Education Committee: May 6, July 8, and October 27.

Member Brooks requested that Board members receive Google calendar alerts of upcoming meetings to help members streamline planning and avoid schedule conflicts.

Adjournment

The meeting adjourned at 1:39 p.m.

Attachment 2

News Media Inquiries

News Media Activity

The Board's public information officer responded to the following recent news media inquiries:

- January 20, 2020: Richard Halstead, Marin Independent Journal, regarding disciplinary case of West Marin Pharmacy.
- January 30, 2020: Tiffany Dobbyn, Capitol Morning Report, regarding appointment of Executive Officer Anne Sodergren.
- January 31, 2020: Nancy Gregory, American Society of Health-System Pharmacists, regarding implementation of SB 159.
- February 4, 2020: Mihir Zaveri, New York Times, regarding settlement involving unlicensed pharmacist at Walgreens.
- February 7, 2020: Ed Silverman, STAT, regarding accusation against McKesson for supplying excessive controlled substances to children's hospital.
- February 11, 2020: Van Tieu, ABC 10 Sacramento, regarding robberies and thefts at California pharmacies.
- February 18, 2020: Ellen Gabler, New York Times, regarding section 800 reports of pharmacy settlements and judgments.
- March 2, 2020: Ed Silverman, STAT, regarding AmerisourceBergen fine related to suspicious orders.
- March 25, 2020: Ted Goldberg, KQED San Francisco, regarding prescribers hoarding medications related to COVID-19.
- March 28, 2020: Thomas Jones, NBC News, regarding pharmacists declining to refill hydroxychloroquine prescriptions during COVID-19 pandemic.
- April 14, 2020: Scott Schwebke, Orange County Register, regarding prescribers hoarding hydroxychloroquine during COVID-19 pandemic.
- April 22, 2020: Alexandra Villarreal, The Guardian, regarding complaints about consumers incorrectly self-administering COVID-19 tests from pharmacies.
- May 5, 2020: Eric Westervelt, NPR, regarding COVID-19 testing by pharmacists.
- May 12, 2020: Polly Stryker, KQED San Francisco, regarding COVID-19 testing by pharmacists.
- June 9, 2020: Larry Buhl, Capital and Main, regarding implementation of SB 159.
- June 15, 2020: Kevin Rector, Los Angeles Times regarding damage to pharmacies during public unrest.