



## COMMUNICATION AND PUBLIC EDUCATION COMMITTEE

Ricardo Sanchez, Public Member, Chairperson  
Jason Weisz, Public Member, Vice Chairperson  
Jose De La Paz, Public Member  
Shirley Kim, Public Member  
Kula Koenig, Public Member  
Nicole Thibeau, Licensee Member

- a. **Call to Order and Establishment of Quorum**
- b. **Public Comment for Items Not on the Agenda; Matters for Future Meetings**  
*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 July 14, 2021, Communication and Public Education Committee Meeting Minutes**  
  
A draft of the minutes is in **Attachment 1**.
- d. **Approval of the January 19, 2022, Communication and Public Education Committee Meeting Materials**  
  
A draft of the minutes is in **Attachment 2**.
- e. **Update on Communication and Public Education Activities by Staff**
  1. **The Script**  
The [current issue of the Script](#) was published in March 2022. The newsletter includes articles on new pharmacy laws, tips for successful COVID-19 vaccination programs, the responsibilities of a pharmacist-in-charge, and strategies for preventing drug diversion. Staff expects to publish the next issue during the summer.
  2. **Staff Outreach**  
Executive Officer Anne Sodergren; Supervising Inspectors Antony Ngondara, Janice Dang, and Anne Hunt; and Inspector Noelle Randall presented topics during a prescription drug abuse and diversion training event for pharmacists offered by the Board on March 11. About 500 licensees attended the event via Webex.

In addition, the executive officer presented information about the pharmacist licensure and application process to Loma Linda University students on March 25.

### 3. News Media

Staff responded to news media inquiries listed in **Attachment 3**.

### 4. Webinars

**HIV PrEP/PEP:** The Board launched an online [training webinar for pharmacists furnishing HIV pre-exposure and post-exposure prophylaxis](#), known as HIV PrEP and PEP, on April 6. The webinar is 90 minutes long and includes an assessment pharmacists must pass with a score of at least 70 percent to receive a certificate of completion of the training program, pursuant to California Code of Regulations (CCR), Title 16, [section 1747](#). In addition, the Board is awarding 1.5 hours of continuing education (CE) credit to pharmacists who successfully complete the training. Board staff have reviewed the initial results, which indicate some licensees are not viewing the entire 90-minute presentation and instead are skipping ahead to complete the assessment. Staff believes CCR section 1747 requires pharmacists to view the entire 90 minutes of education as well as pass the assessment to successfully complete the training. Regardless of their assessment score, licensees who do not view the entire webinar will not receive CE credit nor a certificate of successful completion. Instead, they will be informed they did not meet the minimum requirements for completion and must retake the webinar.

**Law:** Staff have developed updated material for the Board's law webinar, including new pharmacy laws and regulations for 2022. Staff will incorporate the material into a new webinar and hope to have this completed by summer. California Code of Regulations, Title 16, [section 1732.5\(b\)](#), requires at least two of the 30 CE hours required for a pharmacist license renewal must be completed by participating in law and ethics courses provided by the Board.

### f. Future Meeting Dates

- Tuesday, July 19, 2022
- Tuesday, October 25, 2022

**Adjournment**

**Upon Conclusion of Business**

# **Attachment 1**

**July 14, 2021, Committee Meeting  
DRAFT Minutes**



**California State Board of Pharmacy**  
2720 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833  
Phone: (916) 518-3100 Fax: (916) 574-8614  
www.pharmacy.ca.gov

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



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

**Date:** July 14, 2021

**Location:** Teleconference

**Members Present:** Ricardo Sanchez, Public Member, Chairperson  
Jason Weisz, Public Member, Vice Chairperson  
Shirley Kim, Public Member

**Staff Present:** Anne Sodergren, Executive Officer  
Eileen Smiley, DCA Staff Counsel  
Sheila Tatayon, DCA Staff Counsel  
Antony Ngondara, Supervising Inspector  
Debbie Damoth, Administration Manager  
Bob Dávila, Public Information Officer

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

Chairperson Sanchez called the meeting to order at 2 p.m. Present: Kim, Weisz, Sanchez.  
Quorum established.

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

Moderator opened lines for public comment. No public comment.

**c. Approval of the April 29, 2021, Communication and Public Education Committee Meeting Minutes**

**Motion:** Accept the minutes.

M/S: Weisz/Sanchez

Moderator opened lines for public comment. No public comment.

Yes: Kim, Weisz, Sanchez.

No: None.

Abstain: None.

**d. Discussion and Consideration of Recommended Changes to the Notice of Consumers Poster/Display and Suggested Revisions to California Code of Regulations, Division 17, Title 16, Section 1707.6**

Staff presented proposed language to modify CCR 1707.6(b) to incorporate wording changes for the Notice to Consumers poster/display approved by the committee April 29, 2021, and identified in the meeting materials as Option 1. Staff also recommended:

- Dropping the proposed use of a QR barcode for information about interpretive services because it would not be technically workable for displaying the Notice to Consumers in a looped video message.
- Adding a tagline – “Talk to the expert. Talk to your pharmacist.” – to encourage communication between consumers and their pharmacist to protect against medication errors.

Staff presented other possible modifications to CCR 1707.6 and policy questions for Board consideration:

- Should CCR 1707.6(a) specifies the Notice to Consumers shall be located “in a place conspicuous to and readable by a prescription drug consumer.” A notice by the pharmacy counter might not be conspicuous and readable to consumers who use a drive-through window. Should the language be revised to require the poster/display be placed in specific locations?
- Should CCR 1707.6(c) be revised to change the languages or to increase the number of languages required for the notice regarding interpreter services? Staff noted the Affordable Care Act requires Medi-Cal providers to post taglines regarding the availability of language services for the top 16 languages spoken by non-English proficient individuals, based on census data.
- Should a new subsection, CCR 1707.6(d), be added to the regulation to encompass the additional information BPC section 733 and 4122 require to be included in the Notice to Consumers?

Mr. Weisz asked if DCA has a set number of languages required for printed materials. Ms. Tatayon said the Affordable Care Act (ACA) and the American with Disabilities Act (ADA) require health care providers and health plan providers to provide interpreter services in the most spoken languages in a geographic area. In California, the Department of Health Care Services (which regulates Medi-Cal) and the Department of Managed Health Care (which regulates health care plans) have set the standard for languages as required by the ACA and ADA.

Mr. Weisz said he supported including all of the languages are required by the Department of Health Care Services. Ms. Tatayon noted the current notice regarding interpreter service has 12 languages and the Department of Health Care Services adds several more languages.

Mr. Weisz said he would move to accept the staff recommendations. Ms. Kim seconded the motion. Ms. Sodergren asked if Mr. Weisz's motion was addressing the proposed regulation language for CCR section 1707.6, which would encompass the poster wording as well as the other recommendations regarding subsections (c) and (d) of CCR section 1707.6.

Chairman Sanchez said the committee wants the Notice to Consumers to be should be "in a place conspicuous to and readable by a prescription drug consumer." He also supported adding subsection (d) to the regulation.

Chairman Sanchez said he supported all three possible modifications presented by staff. Mr. Weisz agreed and made a motion to move all items. Ms. Kim seconded the motion. Mr. Dávila asked if the motion also included the staff recommendations to drop the use of a QR barcode and to add the tagline encouraging consumers to talk to their pharmacist. Mr. Weisz agreed.

Ms. Sodergren suggested the committee's motion reflect the regulation language if the committee agreed the language is appropriate. Because the poster is included in the regulation language, approving the language would include the poster. The committee agreed.

**Motion:** Recommend to the Board initiation of a rulemaking to amend CCR section 1707.6, Notice to Consumers, as provided in the committee meeting materials.

[This is the Regulation that will be revised. Underline is text that will be added. Strikethrough is text that will be deleted.]

§ 1707.6. Notice to Consumers.

(a) In every pharmacy there shall be prominently posted, in a place conspicuous to and readable by a prescription drug consumer, a notice containing the text in subdivision (b). Each pharmacy shall use the standardized poster-sized notice provided or made available by the board, unless the pharmacy has received prior approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval. As an alternative to a printed notice, the pharmacy may also or instead display the notice on a video screen located in a place conspicuous to and readable by prescription drug consumers, so long as: (1) The video screen is at least 24 inches, measured diagonally; (2) The pharmacy utilizes the video image notice provided by the board; (3) The text of the notice remains on the screen for a minimum of 60 seconds; and (4) No more than five minutes elapses between displays of any notice on the screen, as measured between the time that a one-screen notice or the final screen of a multi-screen notice ceases to display and the time that the first or only page of that notice re-displays. The pharmacy may seek approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval.

(b) The notice shall contain the following text:

NOTICE TO CONSUMERS  
KNOW YOUR RIGHTS

California law requires a pharmacist to speak with you upon your request, every time you get a new prescription, every time you get a new prescription dosage form, strength, or written directions.

*You* have the right to ask for and receive from any pharmacy prescription drug labels in 12-point font.

*Interpreter* services are available to you upon request at no cost.

TALK TO THE EXPERT – SPEAK WITH YOUR PHARMACIST

*Before you leave the pharmacy, CHECK* taking your medicine, be sure you know:  
the patient name on the label is correct;  
the medication matches the description on the label;  
the name of the medicine and what it does;  
how and when to take it the medication, for how long, and what to do if you miss a dose;  
possible side effects and what you should to do if they occur;  
whether the new medicine medication will work safely with other medicines or supplements; and  
what foods, drinks, or activities should be avoided while taking the medicine.

The address and contact information for patients to send any complaints about the pharmacy:

California State Board of Pharmacy  
2720 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833  
(916) 518-3100  
[www.pharmacy.ca.gov](http://www.pharmacy.ca.gov).

Ask the pharmacist if you have any questions.

*This* pharmacy must provide any medicine or device legally prescribed for you, unless it is not covered by your insurance; you are unable to pay the cost of a copayment; or the pharmacist determines doing so would be against the law or potentially harmful to health. If a medicine or device is not immediately available, the pharmacy will work with you to help you get your medicine or device in a timely manner.

You may ask this pharmacy for information on drug pricing and of generic drugs.

(c) Every pharmacy, in a place conspicuous to and readable by a prescription drug consumer, at or adjacent to each counter in the pharmacy where dangerous drugs are dispensed or furnished, shall post or provide a notice containing the following text:

*Point to your language.* Interpreter services will be provided to you upon request at no cost.

This text shall be repeated in at least the following languages: Arabic, Armenian, Cambodian, Chinese Cantonese, Farsi, Hindi, Hmong, Japanese, Laotian, Korean, Mandarin, Punjabi, Russian, Spanish, Thai, Tagalog, and Vietnamese.

Each pharmacy shall use the standardized notice provided or made available by the board, unless the pharmacy has received prior approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval.

The pharmacy may post this notice in paper form or on a video screen if the posted notice or video screen is positioned so that a consumer can easily point to and touch the statement identifying the language in which he or she requests assistance.

Otherwise, the notice shall be made available on a flyer or handout clearly visible from and kept within easy reach of each counter in the pharmacy where dangerous drugs are dispensed or furnished, available at all hours that the pharmacy is open. The flyer or handout shall be at least 8 1/2 inches by 11 inches.

(d) Every pharmacy shall either post or provide on the patient's written receipt a statement describing patients' rights per Business and Professions Code sections 733 and 4122.

Note: Authority cited: Sections 4005 and 4122, Business and Professions Code. Reference: Sections 733, 4005, 4076.5 and 4122, Business and Professions Code.



M/S: Weisz/Kim

Moderator opened lines for public comment. No public comment.

Yes: Kim, Weisz, Sanchez.

No: None.

Abstain: None.

e. **Discussion and Consideration of Information Sheet Regarding Possible Disciplinary Consequences of DUI Conviction**

Staff presented an information sheet to educate licensees about the possible serious consequences of DUI conviction for their license. The information was drafted in response to Board members' concerns that licensees may not understand the serious impact a DUI conviction could have on their pharmacy license, including possible disciplinary action.

Staff said the information would be posted in a conspicuous location on the Board's website and published in the Script. The information also was submitted for DCA legal review.

Committee members had no comments and took no action on this item.

Moderator opened lines for public comment. No public comment.

f. **Discussion and Consideration of Frequently Asked Questions Regarding Electronic Data Transmission Prescriptions**

Staff presented a draft of frequently asked questions (FAQs) regarding new requirements for electronic data transmission prescriptions effective January 1, 2022. The FAQs were drafted at the request of the Enforcement Committee to educate licensees about the requirements, which are mandated by BPC section 688.

Ms. Sodergren and Supervising Inspector Antony Ngondara advised the committee that a subscriber alert about BPC 688 was sent to solicit questions from licensees and Board inspectors for the FAQs. They said the draft FAQs were developed by supervising inspectors and reviewed by the Board's senior executives and DCA counsel.

Mr. Weisz asked how the FAQs are communicated to licensees. Staff said the FAQs would be disseminated through subscriber alerts, the Script, and the Board's website.

Chairman Sanchez asked about participation level and whether staff received many responses from licensees. Mr. Ngondara said no more than 15 questions were received from licensees. He said questions also were submitted by inspectors based on input they receive from licensees during field inspections. He said the FAQs are expected to generate more questions from licensees once they are disseminated. He added that subscriber alerts are the most effective way to get information to licensees.

Ms. Sodergren said the draft FAQs had been circulated to other DCA boards that regulate prescribers for feedback. Mr. Dávila said the Medical Board of California is also educating its licensees about the new electronic prescription requirements and that DCA may issue a news release as well.

**Motion:** Approve the draft FAQs.

### **Electronic Data Transmission Prescriptions – Frequently Asked Questions**

#### **Question #1: Does the pharmacy need to have the capability of receiving electronic data transmission prescriptions from all prescribers?**

Answer: Under the California Business and Professions Code (BPC) section 688(b), a pharmacy must have the capability to receive an electronic data transmission prescription on behalf of a patient from a health care practitioner authorized to issue a prescription pursuant to Section 4040.

Reference: BPC 688(a), 688(b), 4040

#### **Question #2: Does BPC 688(b) apply to both non-controlled and controlled substances?**

Answer: BPC 688(b) applies to both non-controlled and controlled substances with regard to a pharmacy's capability to receive electronic data transmission prescriptions. However, under BPC 688(c), a prescription for a controlled substance, as defined by BPC 4021, the electronic data transmission prescription must comply with Parts 1300, 1304, 1306, and 1311 of Title 21 of the Code of Federal Regulations (CFR).

Note: The California Board of Pharmacy recommends that practitioners contact their respective regulatory board for guidance on its requirements for issuing a prescription.

Reference: BPC 688(a) 688(b), 688(c) 4021 and CFR sections 1300, 1304, 1306 and 1311

#### **Question #3: On or after 01/01/2022, may a pharmacy dispense a prescription medication if it receives a prescription that is not transmitted to the pharmacy as an electronic data transmission prescription?**

Answer: BPC 688(i) states that a pharmacist who receives a written, oral, or faxed prescription is not required to verify that the prescription properly falls under one of the exceptions in subdivision (e). Pharmacists may continue to dispense medications from legally valid written, oral, or faxed prescriptions pursuant to this division.

Reference: BPC 688(i)

#### **Question #4: Can an unfilled non-controlled electronic data transmission prescription received by a pharmacy be transferred or forwarded to another pharmacy?**

Answer: BPC 688(g) states that a pharmacy that receives an electronic data transmission prescription from a prescribing health care practitioner who has issued the prescription but has not dispensed the medication to the patient must, at the request of the patient or a person authorized to make a request on behalf of the patient, immediately transfer or forward the electronic data transmission prescription to an alternative pharmacy designated by the requester.

Reference: BPC 688(g)

#### **Question #5: Can an unfilled Schedule II-V controlled substance electronic data transmission prescription received by a pharmacy be transferred or forwarded to another pharmacy?**

Answer: BPC 688(g) states, a pharmacy that receives an electronic data transmission prescription from a prescribing health care practitioner who has issued the prescription but has not dispensed the medication to the patient must, at the request of the patient or a person authorized to make a request on behalf of the patient, immediately transfer or forward the electronic data transmission prescription to an alternative pharmacy designated by the requester.

Reference: BPC 688(g), see Drug Enforcement Administration (DEA) policy referenced in "The Script" Newsletter dated October 2017

**Question #6: What are the record keeping requirements for a pharmacy who transfers or forwards electronic data transmission prescriptions? What are the record keeping requirements for a pharmacy who receives a transfer or forward of electronic data transmission prescriptions?**

Answer: Record keeping must comply with the California Code of Regulations (CCR) section 1717(e) and CFR 1306.25, if applicable

**Question #7: If a licensed non-resident pharmacy is located outside of California and services a patient in California, is an electronic data transmission prescription required?**

Answer: BPC 688(b) states, a pharmacy, pharmacist, or other practitioner authorized under California law to dispense or furnish a prescription pursuant to Section 4040 must have the capability to receive an electronic data transmission prescription on behalf of a patient. Depending on the scenario, the pharmacy would not need to question a non-electronic data transmission prescription under BPC 688(i).

Reference: BPC 688(b), 688(i)

**Question #8: How does BPC 688 apply to out-of-state telemedicine doctors or telephonic/faxed prescriptions from out-of-state?**

Answer: BPC 688(a) states, a health care practitioner authorized to issue a prescription pursuant to Section 4040 must have the capability to issue an electronic data transmission prescription, as defined under Section 4040, on behalf of a patient and to transmit that electronic data transmission prescription to a pharmacy selected by the patient. Depending on the scenario, the pharmacy would not need to question a non-electronic data transmission prescription under BPC 688(i).

Note: The California Board of Pharmacy recommends that practitioners contact their respective regulatory board for guidance on its requirements for issuing a prescription.

Reference: BPC 688(a), 688(i)

**Question #9: BPC 688(e)(1) contains an exception to the law referencing California Health and Safety Code (HSC) section 11159.2 which discusses controlled substance prescriptions issued to terminally ill patients. Does HSC 11167.5 remain effective for those that practice in the applicable hospice and long-term care settings?**

Answer: HSC 11167.5 will remain effective in the applicable hospice and long-term care settings.

Reference: HSC 11167.5, HSC 11159.2, BPC 688(e)(1)

**Question #10: Is there an instance when an electronic data transmission prescription must be printed?**

Answer: Under certain circumstances as outlined in HSC 11167.5, there may be instances where a long-term care or hospice care pharmacy may need to print the electronic

transmission prescription. Additionally, 688(e)(4)(A)(B) references instances when a prescription must be electronically issued but does not require electronic transmission and may be provided directly to the patient. Controlled substance prescriptions provided directly to the patient also must comply with federal law. Depending on the scenario, the pharmacy would not need to question a non-electronic data transmission prescription under BPC 688(i).

Reference: Health and Safety Code section 11167.5, 688(e)(4)(A)(B), 688(i)

**Question #11: Does the hospital retail pharmacy have the option to only receive electronic data transmission prescription from its own hospital health care practitioners, but not from any other health care practitioner?**

Answer: BPC 688(a) is inclusive of all health care practitioners authorized to issue a prescription pursuant to BPC 4040. As indicated in BPC 688(b), a pharmacy must have the capability to receive an electronic data transmission prescription on behalf of a patient from all types of health care practitioners pursuant to BPC 4040. BPC 688(e)(7) provides a potential exemption of this law if the health care practitioner and the dispenser are the same entity.

References: BPC 688(a), 688(b), 688(e)(7)

**Question #12: Is posting a prescription in a health care provider's system accessible by pharmacists in their system considered transmission?**

Answer: Under the provisions of BPC section 688(e)(7), if the prescribing health care practitioner and dispenser are the same entity, electronic transmission are not required. Based on the Board's understanding of the scenario posed, "posting" of the prescription in an electronic medical record for dispensing by a pharmacy of the same entity meets the intent of California law. Controlled substance prescriptions must also comply with federal law.

Reference: Business and Professions Code section 688(a)(d)(e)(7).

**Question #13: Under BPC 688(e)(7), what does "same entity" mean? Same location or just same health care system?**

Answer: As described in BPC 688(e)(7), "same entity" refers to the same health care system which may or may not be the same physical location.

Reference: BPC 688(e)(7)

**Question #14: For prescribers working under exempted medical practices described in BPC 688(e), do they still need to comply with BPC 688(a) and have the capability of issuing and transmitting an electronic data transmission prescription?**

Answer: BPC 688(d) would not be applicable to a health care practitioner prescribing a prescription pursuant to subdivision (e). However, the health care practitioner must have the capability to issue and transmit an electronic data transmission prescription as defined under BPC 4040 and 688(a).

Note: The California Board of Pharmacy recommends that practitioners contact their respective regulatory board for guidance on its requirements for issuing a prescription.

Reference: BPC 688(a), 688(d), 688(e) and 4040

**Question #15: Does an e-mail qualify as "an electronic data transmission prescription" or does the prescription need to come from an electronic prescribing platform?**

Answer: BPC 4040(c) describes an “electronic data transmission prescription” as any prescription order, other than an electronic image prescription that is electronically transmitted from a licensed prescriber to a pharmacy. An email could potentially qualify as an electronic data transmission prescription for noncontrolled substances; however, does not appear to meet the spirit of the law. However, under BPC 688(c) a prescription for a controlled substance, as defined by BPC 4021, the electronic data transmission prescription must comply with Parts 1300, 1304, 1306, and 1311 of Title 21 of the Code of Federal Regulations.

Note: The California Board of Pharmacy recommends that practitioners contact their respective regulatory board for guidance on its requirements for issuing a prescription.

Reference: BPC 4040(c), 4021, 688(c), Code of Federal Regulations section 1300, 1304, 1306 and 1311

**Question #16: If after speaking with the prescriber/agent a modification is made, would the electronic data transmission prescription be voided and does the prescription need to be rewritten as a telephone prescription?**

Answer: BPC 688 does not address the modification of an electronic data transmission prescription. For a noncontrolled and Schedule III-V prescription, a pharmacy may reduce the oral prescription to writing as described in BPC 4070(a) and HSC 11164(b).

Note: DEA registrants also must comply with federal law regarding controlled substances.

Reference: BPC 688, 4070(a), HSC 11164(b)

**Question #17: Does a pharmacist have a responsibility to report prescribers who are not complying with BPC 688?**

Answer: The law does not require pharmacists to notify the respective regulatory agency of issues of non-compliance, but they may choose to do so.

Reference: BPC 688(j)

**Question #18: Do health care practitioners, pharmacists, or pharmacies, when providing health care services to an inmate, individual on parole, or youth under the jurisdiction of the Department of Corrections and Rehabilitation need to comply with BPC 688?**

Answer: BPC 688(k) indicates this section must not apply in the scenario described.

However, if an inmate, individual on parole or youth is not under the jurisdiction of the Department of Corrections and Rehabilitation, BPC 688 would apply.

Reference: BPC 688(k)

M/S: Weisz/Kim

Moderator opened lines for public comment.

John Gray, a Kaiser Permanente pharmacist, thanked the Board for drafting the FAQs. He also said the FAQs do not address an important question raised by BPC section 688(g) regarding transferring or forwarding an electronic prescription that has not been dispensed to an alternative pharmacy.

Yes: Kim, Weisz, Sanchez.

No: None.

Abstain: None.

**g. Discussion and Consideration of Communication and Public Education Strategic Goals**

The committee reviewed the Board's communication and public education strategic goals on July 14, 2021.

Member Weisz expressed support for retaining the current goals and asked how COVID-19 has affected outreach to the public and licensees. Mr. Dávila said outreach has increased as the Board has used its website, newsletter, and subscriber alerts to communicate information about pharmacy law waivers, guidance documents, and other pandemic-related information from the Board as well as other state agencies. Ms. Sodergren said the Board also has transitioned from in-person training for licensees to a web-based platform, which also has expanded its reach.

Member Kim expressed support for the continued use of technology and other forms of communication to increase access to the public and licensees.

**Motion:** Accept the current communication and public education goals.

**Communication and Public Education Strategic Goals**

**4.1. Develop and implement a communication plan for licensees and consumers to improve communication and keep stakeholders better informed.**

Status: This goal is incorporated into daily Board operations. Staff assesses Board activities to develop and implement communication plans tailored to specific policies and actions. These plans are executed through suitable channels, including website, subscriber alerts, publications, public outreach, licensee training, and social media. This approach provides flexibility and enables staff to effectively inform and communicate with stakeholders.

**4.2. Identify and use additional resources for public and licensee outreach services to implement the communication plan.**

Status: The Board continues utilizing new resources to reach out to the public and licensees. Besides print materials, the Board communicates via multiple electronic media, including website, email alerts, social media. The Board also has set up a listserv for disseminating news, online webinars, live and teleconference training events, and teleconference meetings that enable widespread public participation.

**4.3. Establish a process to collect email addresses and mobile numbers for text messaging from all licensees for better ability to improve communication.**

Status: The Board has largely achieved this goal through regulations requiring pharmacists, intern pharmacists, pharmacy technicians and designated representatives to register their email addresses to receive subscriber alerts. It is likely that legislation would be needed to require licensees to provide mobile numbers for texts from the Board.

**4.4. Provide implementation guidance on newly enacted changes to pharmacy law by publishing summaries and explaining implementation tactics.**

Status: The Board maintains a pharmacy lawbook online and publishes annual summaries of new laws online and in The Script. The Board also issues subscriber alerts and publishes FAQs and guidance on major laws and policies.

**4.5. Inspect pharmacies at least once every four years to provide a forum for licensee-inspector communication and education in practice settings.**

Status: Besides field visits, the Board continues to promote communications with licensees through brochures, a video, and information in the Script regarding inspections.

**4.6. Communicate the availability of new or specified pharmacy services and locations so that the public is aware of pharmacies that can meet their needs.**

Status: The Board has created an online search tool to help consumers find drug take-back locations and an online registry for pharmacies providing contraception, naloxone, HIV PrEP/PEP medications, vaccinations, and other authorized health care services.

**4.7. Revise consumer-facing materials (e.g., posters, point-to-your-language notices, television messages) to achieve better consumer understanding of their rights and optimal use of medications.**

Status: The Board continues to develop and update consumer information materials, including a current proposal to revise the Notice to Consumers.

**4.8. Promote board initiatives to improve patient knowledge, medication adherence, and medication safety.**

Status: This goal is an ongoing priority for the Board. Efforts include updating the Notice to Consumers, promoting consumer messages on social media, and returning to community outreach events as conditions improve following the COVID-19 pandemic.

M/S: Weisz/Kim.

Moderator opened lines for public comment. No public comment.

Yes: Kim, Weisz, Sanchez.

No: None.

Abstain: None.

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

**1. The Script**

Staff reported working on articles and disciplinary case summaries for the next issue of the Script. Publication is planned for August 2021.

**2. Staff Outreach**

Staff reported CE training for pharmacists on prescription drug abuse and diversion was provided May 19, 2021, via WebEx. About 600 registrants participated.

In addition, the Executive Officer provided presentations on Pharmacy Law:

- May 1, 2021, CPhA Pharmacy Law and Practice Conference.
- June 19, 2021, CPhA Western Exchange.

### **3. News Media**

Staff reported responding to news media inquiries listed in the meeting materials.

Committee members had no comments and took no action on this item.

Moderator opened lines for public comment. No public comment.

#### **i. Future Meeting Dates**

Chairperson Sanchez announced the committee's final meeting of 2021 is set for Wednesday, October 27.

**Adjournment** – 2:59 p.m.



# **Attachment 2**

**January 19, 2022, Committee Meeting  
DRAFT Minutes**



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

**Date:** January 19, 2022

**Location:** Teleconference

**Members Present:** Ricardo Sanchez, Public Member, Chairperson  
Jason Weisz, Public Member, Vice Chairperson  
Jose De La Paz, Public Member  
Shirley Kim, Public Member  
Nicole Thibeau, Licensee Member

**Members Not Present:** Kula Koenig, Public Member

**Staff Present:** Anne Sodergren, Executive Officer  
Eileen Smiley, DCA Staff Counsel  
Bob Dávila, Public Information Officer

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

Chairperson Sanchez called the meeting to order at 2:40 p.m. Present: De La Paz, Kim, Thibeau, Weisz, Sanchez. Absent: Koenig. Quorum established.

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

No public comment. No committee member comment.

**c. Review of Educational Materials Regarding How to File a Complaint under SB 362 and General Whistleblower Protections under California Law**

Chairperson Sanchez noted Senate Bill 362 prohibits a community chain pharmacy from using a quota to evaluate the performance of a pharmacist or pharmacy technician, and from communicating the existence of such a quota to its pharmacists and pharmacy technicians. The law also authorizes the Board to take enforcement action for violations. He added the Board requested development of educational materials for licensees to implement the law, including a complaint process and whistleblower protections.

Staff noted the Board has existing resources for consumer complaints – including a brochure and online complaint form – that could be revised to include sections for licensee complaints related to SB 362. Alternatively, the Board could create separate forms and materials for SB 362 complaints. Staff presented sample text for a possible brochure regarding SB 362 complaints in the committee report.

Staff also noted that although SB 362 does not include whistleblower protections, California law provides general protections for employees alleging employer violations of laws or regulations. For example, a sample [workplace notice regarding whistleblower protections](#) published by the state Division of Labor Standards Enforcement discusses protections for employees and advises that information about possible violations be reported to the state Attorney General's Whistleblower Hotline.

Ms. Thibeau asked if a licensee who files a complaint could remain anonymous and if the Board could decline to share a licensee's identity with the pharmacy. Ms. Sodergren replied the Board does investigate anonymous complaints; however, they can be difficult to investigate because investigators sometimes need additional information from the complainant. Ms. Smiley noted the Board may not be able to shield a complainant's identity from discovery requests in administrative hearings or from subpoenas in complaints that amount to violations of federal law.

Ms. Thibeau said educational materials about SB 362 should explain these confidentiality issues to licensees. She also supported including information directing complainants to materials regarding whistleblower protections. Mr. Weisz agreed and also supported creating a brochure for licensees on how to file complaints related to SB 362, including the text in the committee report.

**Motion:** Recommend to the Board approval of establishing a complaint process specifically for pharmacy employees and include references to whistleblower protections as well as provisions for anonymity and confidentiality consistent with legal provisions.

M/S: Weisz/De La Paz

In public comments, Danny Martinez of California Pharmacists Association expressed support for educational materials for licensees, including information regarding anonymity and whistleblower protections.

Jassy Grewal of UFCW Western States Council agreed and also recommended that information about SB 362 and whistleblower protections be communicated to chain pharmacy PICs, that it provide the pros and cons of filing an anonymous complaint, and that it explain what happens when an investigator visits a pharmacy in response to an SB 362 complaint and how that relates to other violations in the pharmacy.

Yes: De La Paz, Kim, Thibeau, Weisz, Sanchez.

No: None.

Abstain: None.

**d. Update on Communication and Public Education Activities by Staff**

Ms. Sodergren provided a brief overview of the items in this section.

**1. The Script**

Ms. Sodergren reported the newsletter articles were written and publication was expected by February.

**2. Projects under Development**

Ms. Sodergren noted the committee asked staff to explore possible alternatives to the current process of completing a PDF form for pharmacies to perform self-assessment. She reported Board staff met with DCA's internet team and Organizational Improvement Office (OIO) to discuss developing an online, interactive process for pharmacy self-assessment to replace the current paperwork process. Staff plans to meet again with OIO to develop different use cases and business process mapping that could be used by OIO to develop a possible alternative process for self-assessment. She said the meeting is expected before the end of the fiscal year, subject to resource availability.

**3. Staff Outreach**

Mr. Dávila reported staff provided Webex training for pharmacists on prescription drug abuse and diversion November 16, 2021. In addition, staff performed other outreach activities listed in the committee report.

**4. News Media**

Staff reported responding to news media inquiries listed in the meeting materials.

Committee members had no comments and took no action on this item. No public comment.

**e. Future Meeting Dates**

Chairperson Sanchez announced the committee's remaining meeting dates in 2022: April 26, July 19, and October 25.

**Adjournment**

Chairperson Sanchez adjourned the meeting at 3:04 p.m.

# **Attachment 3**

## **News Media Inquiries**

## News Media Inquiries

Board staff responded to the following news media inquiries received January 1 through March 31, 2022:

- January 7, 2022: Angelica Peebles, Bloomberg, regarding pharmacies notifying Board about change in hours of operation.
- February 15, 2022: Candice Nguyen, NBC Bay Area News, regarding the Board's [Workforce Survey](#) and possible links between pharmacist burnout and medication errors.
- February 24, 2022: Candice Nguyen, NBC Bay Area News, regarding numbers of Board investigations of medication errors and numbers of medication error cases indicating patient harm in 2018/19 and 2019/20.
- March 28, 2022: Brea Love, ABC 10 Sacramento, regarding President Biden's Test to Treat initiative.