



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
ARNOLD SCHWARZENEGGER, GOVERNOR

ACTION ITEMS – October 2005 BOARD MEETING

The board meeting materials are on the Web site.

ORGANIZATIONAL DEVELOPMENT COMMITTEE

The board:

- Recognized 450 pharmacists who have been licensed for 50 years at its July meeting. These pharmacists were mailed an award certificate with a congratulatory letter. At the beginning of October, the board recognized an additional 49 pharmacists. The board publicly acknowledged 18 pharmacists who attended this meeting. The recognition was published in the board's newsletter, along with the list of recipients.
- Publicly recognized Pharmacist Michael J. Sohmer and Board Member Ruth Conroy for their participation in the disaster response to the Gulf Coast storm victims. The board also recognized other pharmacists and licensees who also provided disaster relief efforts in its October 2005 newsletter.
- Announced that the next board meeting was rescheduled to February 1 and 2, 2006.
- Reported that the annual meeting of the National Association of Boards of Pharmacy will be in April 2006, in San Francisco.
- Reported that the board will be relocating in December. The new address will be 1625 North Market Blvd, Suite N219, Sacramento, CA 95834.
- Approved the minutes of the July 20 & 21, 2005 board meeting.

COMMUNICATION AND PUBLIC EDUCATION COMMITTEE

The board:

- Reported that the October 2005 Script has been published and mailed to all pharmacies and wholesalers. The Pharmacy Foundation of California will print and mail this issue to all California pharmacists.
- Reported that the committee received three new consumer fact sheets that were developed by pharmacy students from UCSF, School of Pharmacy. The committee also identified other topics for consumer fact sheets such as the new labeling requirements that mandate a description of the medication be placed on a prescription container, the Beers list of drugs that should not be prescribed to patients over 75 years of age, and the importance of information found on a container's label.
- Announced that the California Health Communication Partnership launched its third coordinated project on screening tests for cancer (October and November 2005). The Center for Self Care received a grant to help promote the public service announcements that were developed.
- Reported on the second subcommittee meeting on the Medicare Drug Benefit Plans. The purpose of the meeting was to discuss the implementation of the Medication Prescription Drug Act, and specifically the Part D Benefit for prescription drugs. The changes, which will begin January 1, 2006, represent an

enormous change in the Medicare benefit program. The changes affect Medicare beneficiaries, their families and caregiver as well as pharmacists, physicians, nurses and patient advocates. The goal is for the regulatory agencies of professional licensees take a strong lead in educating their licensees about the new provisions. Patients and their families will seek information from their health care providers, and lack of knowledge by the health care providers will place additional strains on patients and health care advocates to obtain and provide this information.

- Reported that two *Health Notes* are under development. *Health Notes* is a monograph, produced by the board that contains up-to-date drug therapy guidelines for a specific subject area. The two issues are on Pain Management and Pharmacy Emergency Response to Patients in Declared Disaster Area. Articles for both publications have been written. Seven issues have been produced since 1996; however, no issues have been published in the last two years because of lack of resources to commit to this project.
- Reported that the board agreed to assist in a study being conduct by UCSD in conjunction with the Department of Health Services' Office of AIDS, to evaluate SB 1159 (Vasconcellos, Chapter 608, Statutes of 2004) that allows local health jurisdictions to authorize nonprescription syringe sales by pharmacies to prevent HIV and Hepatitis.

LICENSING COMMITTEE

The board:

- Approved proposed statutory changes to B & P Code § 4127.1 to issue a temporary pharmacy permit for a change of ownership to pharmacies that compound injectable sterile drug products. This provision will be submitted to the Legislature as omnibus provisions for 2006.
- Recognized the Touro University College of Pharmacy for purposes of issuing intern pharmacist licenses to this "Precandidate" accredited school.
- Will grant 6 hours of continuing education to pharmacists who complete the Pharmacist Assessment Mechanism (PSAM) administered by the National Association of Boards of Pharmacy.
- Approved the new content outline for the California Pharmacy Jurisprudence Examination (CPJE). All questions for the CPJE are developed according to this outline. The new content outline will be released publicly and will be used beginning April 2006.
- Reported on the development of a proposal to update the definition of pharmacy, nonresident pharmacy, pharmacist practice and licensure of out-of-state pharmacists.
- Reported that the CPJE is administered through Experior Assessments, LLC, at test centers statewide. Experior also administers California examinations for many other boards and programs of the Department of Consumer Affairs. The master contract expires November 30, 2005; however, the contract was extended for one year.

ENFORCEMENT COMMITTEE

The board:

- Approved the proposed revisions to the disciplinary guidelines. To implement the revisions, the board must provide a 45-day notice and adopt the changes at a future board meeting.

- Approved a proposal to require a wholesale facility to complete a self-assessment form. To implement this requirement, the board must provide a 45-day notice and adopt the new requirement at a future board meeting.

LEGISLATION AND REGULATION COMMITTEE

The board:

- Adopted a regulation change to add 16 CCR § 1727.1 that would exempt an intern pharmacist’s address from being available on an interactive communication system such as the “World Wide Web” and “Internet.” Before the regulation will become effective, it must be approved by the Administration and the Office of Administrative Law.
- Tabled the discussion on the regulation hearing to repeal 16 CCR § 1717(e) and to add 16 CCR § 1713 regarding prescription drop boxes and automated self-use delivery device for refill prescriptions.
- Reported the approval of 15 regulation changes that became effective October 7, 2005.
- Reported on the status of the following legislation:

Bill No.	Author	Bill Description	Board Position
AB 21	Levine	Allows a pharmacist to decline on ethical, moral, or religious grounds to dispense a drug pursuant to a lawful request only if he or she satisfies certain conditions.	Oppose Two-year bill
AB 225	Negrete McLeod	Allows health care professionals to receive nonmonetary remuneration, in the form of hardware, software, or information technology and training services, necessary and used solely to receive and transmit electronic prescription information. Requires freedom of choice to transfer a prescription to a pharmacy of the patient’s choice.	Support if Amended Two-year bill
AB 283	Koretz	Limits the access to ephedrine and pseudoephedrine products by requiring the products be placed in a locked cabinet.	No Position Two-year bill
AB 446	Negrete McLeod	Prohibits “regulatory gag clauses” in malpractice settlements.	Support Vetoed
AB 497	Negrete McLeod	Revises the nonresident wholesaler license requirement to require an applicant to submit only one surety bond of \$100,000, or an equivalent means of security, regardless of how many individual sites are licensed.	Support Signed Chapter 301
AB 522	Plescia	Clean-up language for AB 2184 (Chapter 342, Statutes of 2004), Automated Dispensing Devices.	Support if Amended Signed Chapter 469
AB 595	Negrete McLeod	Defines compounding of a prescription drug for the purposes of the Pharmacy Law and establishes requirements for pharmacists that compound drugs.	Board Sponsored/ Support Two-year bill
AB 657	Karnette	Revises the prescription-labeling requirement to include the “intended purpose” for which the drug was	Support Two-year bill

		prescribed if the patient agrees to have this information appear on the container's label.	
SB 152	Speier	Requires pseudoephedrine products to be sold in a pharmacy by a pharmacist or pharmacy technician and for pharmacists and pharmacy techs to document purchase of products.	Neutral Two-year bill
SB 401	Ortiz	Defines marketing to include written communication that is provided by a pharmacy to a patient about a different drug or treatment than that being dispensed by the pharmacy and that is paid for, or sponsored by, a manufacturer.	Oppose Unless Amended Two-year bill
SB 592	Aanestad	Permits pharmacy technicians to check the work of other pharmacy technicians filling unit dose medication cassettes for hospital patients.	Support Two-year bill
SB 644	Ortiz	Requires a health care licentiate to dispense drugs and devices pursuant to a lawful prescription or order except in specified circumstances, including on ethical, moral, or religious grounds asserted by the licentiate.	Support Signed Chapter 417
SB 734	Torlakson	Clean-up changes to facilitate the effective operation of the CURES, the prescribing and dispensing of controlled substances, and the program duties of the Bureau of Narcotics Enforcement.	Oppose Unless Amended Signed Chapter 487
SB 798	Simitian	Authorizes a county to establish, by local ordinance, a repository and distribution program for purposes for surplus unused medications to persons in need of financial assistance to ensure access to necessary pharmaceutical therapies.	Support Signed Chapter 444
SB 1111	Senate B&P Com	Annual omnibus bill with technical and non-controversial changes to Pharmacy Law.	Support Signed Chapter 621