



**COMMUNICATION AND PUBLIC EDUCATION COMMITTEE
MEETING MINUTES**

Date: January 27, 2021

Location: Teleconference

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

Members Absent: Seung Oh, Licensee Member

Staff Present: Anne Sodergren, Executive Officer
Norine Marks, DCA Staff Counsel
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 2:31 p.m. Present: Sanchez, Brooks, Kim, Weisz. Absent: Oh. A quorum was established.

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

No public comment or matters for future meetings.

c. Approval of the July 8, 2020, Communication and Public Education Committee Meeting Minutes

M/S: Brooks/Weisz
Yes: Brooks, Kim, Weisz, Sanchez.
No: None.
Abstain: None.

d. Discussion and Consideration of Possible Changes to the Notice to Consumers Poster/Display

Chairperson Sanchez said the committee directed staff in January 2020 to recommend ways to refresh the Notice to Consumers poster and to seek input from consumer groups on possible changes. BPC section 4122 and CCR section 1707.6 establish requirements for

pharmacies to post a Notice to Consumers in poster or video format. CCR 1707.6(b) specifies wording for the notice. Any wording changes would require rulemaking to amend CCR 1707.6 and possibly legislation to amend the BPC.

Mr. Dávila said staff received suggestions from California Alliance of Retired Americans (CARA), California Pan-Ethnic Health Network (CPEHN), Health Access California, and Board inspectors. A total of almost two dozen suggestions were reported in the meeting materials.

Mr. Dávila said suggestions from consumer groups included:

- The poster should have larger type that can be read from a distance of 15 to 20 feet.
- The design should have more photos/illustrations to draw the viewer's attention.
- Make sure people are aware 1) they can ask for interpretive services, and 2) interpretive services must be provided at no cost to the consumer.
- Use strong language informing consumers "If you have a complaint, contact the Board of Pharmacy" and provide the Board's contact information.
- Do not make the notice a "catch all" for everything with too much information.

Suggestions from inspectors included:

- Consumers no longer need to request 12-point font since it is now required.
- Help avoid medication errors by advising consumers to verify the patient name and the medication name and strength on the label.
- Tell consumers to check pills in the bottle match the description printed on the label.
- Tell consumers they can ask prescribers to put the medication purpose on the label.
- Keep the consultation requirement in large type and include other instances where the pharmacist must speak with consumer besides getting a new medication.
- Add information about corresponding responsibility.
- Advise consumers to visit the Board's website for more information.

Mr. Dávila said visual design is critical to creating an effective poster. He noted samples of DCA publications in the meeting materials that use photos, icons, or other graphics. Staff recommended the committee tighten the wording by focusing on the most important things to advise pharmacy consumers.

Public comment: Steven Gray said he often does not readily see the poster in pharmacies. He suggested asking inspectors about pharmacies using video screens instead of posters. He said consumers should be advised they have the right to have the medication purpose on the label if the prescriber puts the information on the prescription. He said curbside pickup and mail delivery of drugs have reduced instances of consultation.

Mr. Weisz asked said he liked the DCA samples, particularly the "COVID-19 Reminders" publication. He agreed information about interpretive services and putting the medication purpose on labels are important. He asked Ms. Sodergren whether the committee or staff should narrow down what should be on the poster.

Ms. Sodergren said the committee could direct staff to return with a draft sample for the committee to review. She said the information provided at the meeting was intended to help the committee prioritize four, five or six bullet points to focus on for the notice.

Mr. Brooks said he was on the committee that designed the current poster and it contains too much information, which reduces font size and makes consumers less likely to read it. He also noted pharmacies have different layouts, so the poster is not likely to be displayed in the same place in each pharmacy.

Chairperson Sanchez agreed the poster should not contain too much information. Mr. Brooks asked what information is required by statute.

Ms. Sodergren said BPC 4122 contains the statutory requirements. She noted the Board could pursue statutory and regulatory changes if necessary, based on a policy decision about what should be on the notice. If the Board believes the information required by BPC 4122 is appropriate, she recommended focusing on possible changes to CCR 1707.6(b). She noted the font size mandate did not exist when the current poster was written, so the Board could decide to eliminate that from the requirement.

Committee members cautioned against too much information on the poster. Mr. Brooks said members should focus on what problem is being solved rather than on what they would like to see on a poster. He said, as Mr. Gray suggested, a message loop on a video screen could draw more attention than an obscured poster with multiple bullet points.

Ms. Sodergren suggested using the Notice to Consumers to focus on reducing medication errors – including information about the importance of consultation, interpretive services, and other items related to consumers knowing what their prescription medication is and what it is for. If the Board does not seek a statutory change, the information required by BPC 4122 would remain on the poster but would not have to be prominent. She suggested staff return to the committee with possible wording for the notice that would include “four or five things” focused on ways to reduce medication errors.

Committee members approved the suggestion. Ms. Sodergren said staff would report back with possible regulation language to change the wording and one or two possible designs.

e. Discussion and Consideration of Requiring Pharmacies to Provide a Telephone Number on Prescription Labels

Chairperson Sanchez said the Board adopted language in November 2019 to amend CCR section 1707.2 related to mail order pharmacy consultation. During the discussion, it was noted out-of-state pharmacies must provide a toll-free number on prescription labels to facilitate communication between patients and pharmacists; however, there is no requirement for in-state pharmacies to provide any phone number on labels. The Board

directed the committee to discuss and consider whether all pharmacies should be required to provide a phone number on prescription labels.

Mr. Dávila noted BPC section 4076 and CCR section 1707.5 provide requirements for patient-centered labels on prescriptions dispensed in California. Neither section requires pharmacies to provide a phone number on the label. However, the statute and regulation do require many other elements on the label that were listed in the meeting materials. For comparison, Nevada and Arizona do not require dispensers to provide a phone number on prescription labels, while Texas and New York do require phone numbers on labels. Staff noted a Board decision to require pharmacies to put phone numbers on labels would most likely require a statutory or regulation change and could impose a cost for pharmacies.

Public comment: Steve Gray said many labels have a phone number that is for an answering service or call center, not the pharmacy. This is a problem for patients, caregivers, or health care providers who need to reach the pharmacy that provided the medication – especially in cases of curbside pickup, delivery, or someone other than the patient picking up the medication. He said some pharmacies also don't list their phone numbers on websites or other directories. He noted the requirement for toll-free numbers for out-of-state pharmacies and said some in-state pharmacies are located far away from their patients.

Ms. Sodergren said requiring pharmacies to put a phone number on prescription labels would require a statutory changes. Ms. Smiley agreed and said a statute or regulation could specify the phone number would have to be for the pharmacy so the patient could consult with the pharmacist.

Mr. Weisz said it is important for consumers to have a phone number but he was not prepared to require a pharmacy number for a patient to get 24-hour consultation. Ms. Sodergren suggested staff reach out to consumer groups to find out if their members have trouble finding their pharmacy phone number when they need it. Committee members agreed with the suggestion and directed staff to report back.

f. **Discussion and Consideration of Developing Information Materials about the Board of Pharmacy for Consumers**

Chairperson Sanchez noted the Board provides information to the public about patient care, consumer protection, and regulatory issues through a variety of materials. He said staff is proposing to develop additional educational materials focusing on the Board's mission and work. These materials would increase general awareness of the Board and educate the public about Board as a consumer protection agency. Materials also could explain why consumers should talk to their pharmacists about their medications.

Mr. Weisz asked about current types of materials provided by the Board. Mr. Dávila said the website includes brochures about buying drugs online, talking to your pharmacist, and

other consumer materials. He said staff is proposing to develop additional materials focusing on who the Board is, what it does, and how it serves the public.

Chairperson Sanchez expressed support for developing materials about the Board's mission and consumer services. He asked staff to update the committee at its next meeting. Ms. Sodergren added that a revised Notice to Consumers poster could include a barcode that could take a viewer with a smartphone to consumer materials on the Board's website.

g. Update on Communication and Public Education Activities by Staff

Mr. Davila reported these items to the committee.

1. The Script

Article topics planned for the next newsletter include new pharmacy laws for 2021, new security prescription form requirements and CURES reporting requirements, and tips for completing a pharmacy technician application. The articles have been submitted for legal review and publication is expected in February.

2. Board-provided Training

Inspectors and staff provided CE training via WebEx on "Prescription Drug Abuse and Diversion – What a Pharmacist Needs to Know" on October 7 and December 16. A total of about 150 pharmacists participated in the events.

3. Staff Outreach

A list of outreach activities between October 1 and December 31, 2020, was provided in the meeting materials.

4. News Media

A list of recent news media inquiries was provided in the meeting materials.

h. Future Meeting Dates

Chairperson Sanchez announced the committee's future meeting dates in 2021 are April 29, July 14, and October 27.

Mr. Brooks announced he was leaving the meeting at 3:30 p.m.

Adjournment

At 3:31 p.m.