



**COMMUNICATION AND PUBLIC EDUCATION COMMITTEE
MEETING MINUTES**

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.

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.

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.

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, 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.