



LEGISLATION AND REGULATION COMMITTEE MEETING MINUTES

DATE: April 19, 2023

LOCATION: Pursuant to the provisions of Government Code section 11133, neither a public location nor teleconference locations are provided.

COMMITTEE MEMBERS PRESENT: Jessi Crowley Licensee Member Chair
Jose De La Paz, Public Member Vice Chair
Trevor Chandler, Public Member
Kartikeya "KK" Jha, Licensee Member
Maria Serpa, Licensee Member
Nicole Thibeau, Licensee Member

STAFF MEMBERS PRESENT: Anne Sodergren, Executive Officer
Eileen Smiley, DCA Staff Counsel

I. Call to Order, Establishment of Quorum, and General Announcements

Chairperson Crowley called the meeting to order at 9:00 a.m. Chairperson Crowley reminded all present that the Board is a consumer protection agency charged with administering and enforcing Pharmacy Law. The meeting moderator provided instructions on how to participate during the meeting, including the process to provide public comment.

Chairperson Crowley took roll call. Members present included: Jose De La Paz, Public Member; Trevor Chandler, Public Member; KK Jha, Licensee Member; Maria Serpa, Licensee Member; Nicole Thibeau, Licensee Member; and Jessi Crowley; Licensee Member. A quorum was established.

II. Public Comments on Items Not on the Agenda/Agenda Items for Future Meetings

Members of the public were provided the opportunity to provide comments for items not on the agenda.

A retired pharmacist suggested that another meeting be scheduled and indicated that there were several other measures coming in to play by pharmacists that were not included on the agenda.

Members were surveyed to add agenda items to future agendas. Executive Officer Sodergren will work with the Chairperson to determine if another meeting was appropriate.

III. Approval of the July 18, 2022, Committee Meeting Minutes

Members were provided the opportunity to provide comments on the draft minutes; however, no comments were provided.

Motion: Approve the July 18, 2022, Legislation and Regulation Committee meeting minutes as presented.

M/S: Chandler/Jha

Members of the public were provided the opportunity to provide comments; however, no comments were provided.

Support: 6 Oppose: 0 Abstain: 0 Not Present: 0

Board Member	Vote
Crowley	Support
De La Paz	Support
Chandler	Support
Jha	Support
Serpa	Support
Thibeau	Support

IV. Discussion and Consideration of Pending Legislation Impacting the Practice of Pharmacy, the Board's Jurisdiction or Board Operations

Chairperson Crowley referenced meeting materials containing 16 measures for consideration, which include two Board sponsored bills. Dr. Crowley noted as legislation was very dynamic, there had been changes to some measures since the release of the meeting materials. Dr. Crowley advised where changes occurred, the changes would be identified and highlighted. The recommendations made by the Committee would be considered by the Board at the April 2023 Board Meeting.

1. Assembly Bill 317 (Weber) Pharmacist Service Coverage

Chairperson Crowley advised Assembly Bill 317 would require a health care service plan and specified disability insurers that offer coverage for a service that is within the scope of practice of a pharmacist to pay or reimburse the cost of services performed by a pharmacy at an in-network or out-of-network pharmacy as specified. Dr. Crowley noted the meeting materials identified the Licensing Committee has received public comment from pharmacists detailing barriers to patient care stemming from a lack of reimbursement. Dr. Crowley provided the measure was sponsored by the California Pharmacy Association and National Community Pharmacists Association. Dr. Crowley agreed with the staff recommendation to establish a support position.

Members were provided the opportunity to provide comments; however, no comments were provided.

Motion: Support

M/S: De La Paz/Chandler

Members of the public were provided the opportunity to provide comments.

Members heard comments in support from CSHP and CCPC. The CSHP representative would like to see ambulatory care pharmacists providing services in a medical clinic to be included. A retired pharmacist recommended support if amended to specify pharmacy or pharmacist. A CPhA representative thanked staff for recommendation and requested the Committee support the measure.

Members were provided the opportunity to comment after receiving public. Members Chandler and De La Pas discussed voting down the current motion to change to support if amended to include pharmacists and pharmacies. Members Serpa and Jha indicated being supportive of the motion.

Support: 5 Oppose: 1 Abstain: 0 Not Present: 0

Board Member	Vote
Crowley	Support
De La Paz	Support
Chandler	Oppose
Jha	Support
Serpa	Support
Thibeau	Support

2. Assembly Bill 602 (Pellerin) California State Board of Pharmacy: Emergency Refills: Reports

Chairperson Crowley advised Assembly Bill 602 was heard in committee on April 18, 2023, and passed through committee as a consent item. Dr. Crowley provided the measure would require the Board to report to the Legislature on or before February 28, 2025, the total number of times a pharmacist refilled a prescription for a dangerous drug without a prescriber's authorization. It would require the Board to report the total number of complaints the Board receives alleging that a pharmacist failed to refill a prescription because the prescriber was unavailable and would require the Board to make a reasonable effort to determine how many of these complaints resulted from pharmacist's failure to refill a prescription due to a lack of understanding of the authority vested in pharmacists. Dr. Crowley noted some of the implementation challenges identified by staff and agreed with the recommendation to establish a watch position. Dr. Crowley believed it was appropriate for staff to provide technical feedback to the author's office.

Members were provided the opportunity to provide comments. Member Thibeau agreed with staff recommendation as it was unclear how a pharmacy could identify the data needed. Member Jha indicated that enforcement would be challenging because of variability within pharmacy systems.

Motion: Watch

M/S: Thibeau/Jha

Members of the public were provided the opportunity to provide comments; however, no comments were provided.

Support: 6 Oppose: 0 Abstain: 0 Not Present: 0

Board Member	Vote
Crowley	Support
De La Paz	Support
Chandler	Support
Jha	Support
Serpa	Support
Thibeau	Support

3. Assembly Bill 663 (Haney) Pharmacy: Mobile Units

Chairperson Crowley advised Assembly Bill 663 would allow a mobile unit deployed as an extension of a county owned pharmacy, to carry controlled substances approved by the FDA for the treatment of opioid use disorder under specified conditions. This measure followed up on last year's provisions which created the initial authority of the use of a mobile unit as an extension of a county owned pharmacy. Dr. Crowley agreed with staff recommendation to support the measure and noted the significant support already on file for this measure.

Members were provided the opportunity to provide comments; however, no comments were provided.

Motion: Support

M/S: Chandler/De La Paz

Members of the public were provided the opportunity to provide comments. The Committee heard comment in support of the measure from CSHP.

Support: 6 Oppose: 0 Abstain: 0 Not Present: 0

Board Member	Vote
Crowley	Support
De La Paz	Support
Chandler	Support
Jha	Support
Serpa	Support
Thibeau	Support

4. Assembly Bill 913 (Petrie-Norris) Pharmacy Benefit Managers

Chairperson Crowley advised Members, Assembly Bill 913 would require the

Board to license and regulate pharmacy benefits managers as specified. The measure would require the Board to promulgate necessary regulations and prepare a report to the Legislature on or before August 1, 2025, and annually thereafter. Dr. Crowley agreed with the comments from staff that implementation of the measure would be a significant undertaking but had the potential to address significant patient care challenges that currently exist. The measure would also address inequities that currently exist in pharmacy reimbursement models. Board staff has been advised that this measure has become a two-year bill and as such Dr. Crowley believed discussion was premature. Dr. Crowley suggested staff monitor for updates and bring the measure back to the Committee when appropriate.

Members were provided the opportunity to provide comment.

Member Thibeau noted comments were received that perhaps the authors would like to include reference to the 340B program and added it would be really important to specify and agreed with watching the measure.

Member Serpa was comfortable with a watch position but deferred to the Chairperson.

Chairperson Crowley agreed with establishing a watch position.

Motion: Watch

M/S: Thibeau/Serpa

Members of the public were provided the opportunity to provide comments.

The Committee heard comments from a representative of CPhA requesting the Board take a support position on the legislation. The Committee heard a comments from a representative of NACDS in support of AB 913 and encouraged the Board to take a position of support on the legislation.

Members were provided the opportunity to comment after public comment was received.

Member Thibeau agreed with public comment that the issue was of public safety and would be voting no on the watch position so that another motion could be made in support.

Chairperson Crowley agreed with Dr. Thibeau.

Member Serpa spoke in support of continuing with the watch position as politically in the legislative process the Board wouldn't want to support something that could change where the Board would have to change to support if amended. Dr. Serpa's concern was that there were changes pending on this and the Board could be caught with a support position that the Board didn't completely support.

Support: 3 Oppose: 3 Abstain: 0 Not Present: 0

Board Member	Vote
Crowley	Oppose
De La Paz	Oppose
Chandler	Support
Jha	Support
Serpa	Support
Thibeau	Oppose

The motion did not pass.

Motion: Support

M/S: Thibeau/De La Paz

Members of the public were provided the opportunity to provide comments.

The Committee heard comments from representatives of CPhA requesting the Committee to take a watch or support position on the legislation with the direction for the Board to be actively involved in the discussions. A retired pharmacist commented on the complexity of the measure and suggested taking a watch position. The Committee heard a comments from a representative of Cedar Sinai noting their support if amended status on the bill. The represented thanked Member Thibeau for acknowledging the comments to the Board about including 340B pharmacies within the bill and noted the need to obtain clarification on some sections of the bill.

Support: 5 Oppose: 1 Abstain: 0 Not Present: 0

Board Member	Vote
Crowley	Support
De La Paz	Support
Chandler	Support
Jha	Support
Serpa	Oppose
Thibeau	Support

5. Assembly Bill 1060 (Ortega) Health Care Coverage: Naloxone Hydrochloride

Chairperson Crowley advised Assembly Bill 1060 would make legislative findings regarding the naloxone hydrochloride as a medicine that can counter overdose effects when administered timely to reduce opioid overdose deaths. The measure would prohibit health care service plans, health insurance plans and Medi-Cal from imposing a cost-sharing requirement, including a copayment or deductible, for coverage provided and shall require the plan to cover the costs of prescription or nonprescription naloxone hydrochloride.

Chairperson Crowley agreed with staff recommendation to establish a support position noting while the FDA has recently approved the purchase of naloxone over-the-counter, there was a lot unknown as to what the cost will be and what insurance will decide should someone get the medication as a prescription.

Members were provided the opportunity to comment.

Member Chandler spoke in support of the measure and asked if the Board should provide a recommendation to the co-sponsors to include all opioid antagonist.

Chairperson Crowley agreed with Member Chandler.

Member Thibeau agreed but didn't want that to prevent a support position.

Member Jha supported but wanted to see it on a drug-by-drug basis as very drug can have different parameters to consider.

Motion: Support

M/S: Chandler/Jha

Members of the public were provided the opportunity to provide comments.

A representative from CSHP spoke in support of the motion.

Support: 6

Oppose: 0

Abstain: 0

Not Present: 0

Board Member	Vote
Crowley	Support
De La Paz	Support
Chandler	Support
Jha	Support
Serpa	Support
Thibeau	Support

6. Assembly Bill 1286 (Haney) Pharmacy

Chairperson Crowley advised Assembly Bill 1286 was the Board's patient medication safety bill. The measure was considered in Assembly Business and Professions Committee April 18, 2023, and passed out of the committee. Dr. Crowley understood amendments were made to further defined the conditions under which a pharmacy may be closed to stated that it may be closed if based on the professional judgement of the PIC or pharmacist, as specified, determined that conditions present an immediate risk to the health and safety of patients, personnel, or pharmacy staff. Amendments would further specify that the pharmacy shall reopen as soon as reasonably possible upon abatement of issue. Another amendment related to the staffing floor being established in the measure. As amended, there would be explicit language that provides authority for a pharmacist on duty to waive the requirement for additional staff.

Chairperson Crowley commented as a member of the Medication Error Reduction and Workforce Committee being excited to see the Board's measure moving forward. Dr. Crowley noted the provisions in the measure have the potential to significantly reduce medication errors and improve patient care.

Chairperson Crowley added as this measure was Board sponsored, no action was necessary.

Members were provided the opportunity to comment.

Member Jha spoke in support of the staffing floor provision being added but had concerns about closing of a pharmacy by a pharmacist especially in rural areas where it may be the only pharmacy available. Mr. Jha noted a pharmacist can always prioritize their work to do what is safe but didn't feel it was a good service to the public.

Chairperson Crowley added the amendments add specific conditions (e.g., wildfires, etc.) in which closures could occur that provided reassurance.

Member Serpa explained Board sponsored legislation comes from the position taken by the full Board and the Committee monitors the status of the legislation.

Member Chandler was excited for the opportunity provided by the measure.

Members of the public were provided the opportunity to comment.

A representative of Cedars Sinai requested an exemption language for general acute care hospitals being required to report medication errors that are licensed as a pharmacy but operating under the general acute care hospital licensure. The representative noted CDPH requires hospitals to have stringent medication error reduction programs.

A representative of the CCPC reported being respectfully opposed to the bill but committed to continue to work with the author and Board. The primary concerns centered around the authority for a pharmacist to close a pharmacy and staffing floor. The representative spoke in favor of other provisions of the bill (e.g., authorization for pharmacy technicians to administer vaccinations).

A representative of CPhA reported having a support if amended position on the bill and thanked the Board for leadership in this issue. The representative reported having a couple of issues to work with the author's office such as the pharmacist being provided the option of using any federally recognized patient safety organization for reporting purposes.

A surgical clinic pharmacist commented in opposition of having consulting pharmacists sign surgical clinic renewals.

The pharmacy officer for the University of California Health agreed with the comment that pharmacies operated by general acute care hospitals be exempted from the error reporting due to current processes in place.

7. Assembly Bill 1341 (Berman) Public Health: COVID-19 Testing and Dispensing Sites: Oral Therapeutics

Chairperson Crowley advised Assembly Bill 1341 would establish temporary authority, for a pharmacist to furnish COVID-19 therapeutics until January 1, 2025, under specified conditions. Dr. Crowley noted pharmacists have been performing these functions under a waiver issued by the Department of Consumer Affairs as well as provisions of the PREP Act. Dr. Crowley reported the measure was being considered April 19, 2023, as part of the Assembly Appropriations Committee.

Chairperson Crowley agreed with staff recommendation to establish a support if amended position and offer amendments to make the provisions permanent noting pharmacists have been safely providing COVID-19 therapeutics throughout the public health emergency and permanent authority appeared appropriate.

Members were provided an opportunity to comment.

Motion: Support, if amended

M/S: Thibeau/De La Paz

Members of the public were provided the opportunity to comment.

Representatives of CSHP and CCPC spoke in support of the measure.

Support: 6 Oppose: 0 Abstain: 0 Not Present: 0

Board Member	Vote
Crowley	Support
De La Paz	Support
Chandler	Support
Jha	Support
Serpa	Support
Thibeau	Support

8. Assembly Bill 1557 (Flora) Pharmacy: Electronic Prescriptions

Chairperson Crowley advised Assembly Bill 1557 was also a Board sponsored measure which would make permanent authority for a California licensed pharmacist to perform medication chart order reviews from a remote location within California on behalf of California licensed health care facilities licensed

under Health and Safety Code (HSC) section 1250 under specified conditions. As amended, the measure also includes an urgency provision. The measure enjoys support from several organizations.

Members were provided the opportunity to comment; however, no comments were made.

Members of the public were provided the opportunity to comment.

A representative of CSHP commented in support of the measure.

9. Assembly Bill 1619 (Dixon) Pharmacists: Drug Disclosures: Cannabis or Cannabidiol Interactions

Chairperson Crowley advised Assembly Bill 1619 became a two-year bill.

Members were provided the opportunity to comment; however, no comments were made.

Members of the public were provided the opportunity to comment; however, no comments were made.

The Committee took a break from approximately 10:00 a.m. to 10:10 a.m. Roll call was taken. Members present included Jose De La Paz, Public Member; Trevor Chandler, Public Member; Maria Serpa, Licensee Member; Nicole Thibeau, Licensee Member; and Jessi Crowley; Licensee Member. A quorum was established.

10. Senate Bill 339 (Weiner) HIV Preexposure Prophylaxis and Postexposure Prophylaxis

Chairperson Crowley stated Senate Bill Members, Senate Bill 339 would authorize a pharmacist to furnish up to a 90-day course of PrEP or beyond, under specified conditions. The measure would require the Board to adopt emergency regulations by July 1, 2024. It would require health plans and health insurers to cover PrEP and PEP including medications furnished and tests ordered by pharmacists as specified. The bill addressed some of the challenges discussed during the Licensing Committee's recent post-implementation discussion on pharmacist-provided PrEP and PEP. The measure would update the law to allow for flexibility in treatment by removing the specified type of PrEP authorized to be furnished. Further, the measure provides a means by which a pharmacist can continue to provide care beyond the 90-days under specified conditions, including that a patient receives testing and follow-up care consistent with the

CDC guidelines. Dr. Crowley reported the measure would be considered in the Senate Health Committee hearing on April 26, 2023.

Chairperson Crowley agreed with staff recommendation to establish a support position and noted the measure appears to enjoy broad support from a number of organizations but has opposition from the American College of Obstetrician and Gynecologists and California Medical Association.

Members were provided the opportunity to comment.

Member Chandler spoke in strong support for the measure noting there were real gaps in care allowing the HIV AIDS epidemic to continue and added new infections represent a failure. Mr. Chandler added where California used to lead, other states have eclipsed California in expanding access where access was vital to end the epidemic.

Member Thibeau agreed with Member Chandler as the PrEP and PEP was one of the cornerstones of the plan to end the epidemic and there are huge inequities for people who live in rural areas and communities of color. Dr. Thibeau agreed with anything to help close the gaps in care.

Motion: Support

M/S: Thibeau/Chandler

Members of the public were provided the opportunity to comment.

A representative of CSHP spoke in support of the measure.

A representative of CPhA as one of the sponsors requested the Board's support for the measure.

A representative of CVS Health noted the measure addressed many of the important issues and suggested that in (f)(1) pharmacists should have authority to order the tests. The representative suggested a support if amended position to include the amendment to (f)(1).

Support: 6 Oppose: 0 Abstain: 0 Not Present: 0

Board Member	Vote
Crowley	Support
De La Paz	Support
Chandler	Support
Jha	Support
Serpa	Support
Thibeau	Support

11. Senate Bill 345 (Skinner) Health Care Services: Legally Protected Health Care Services

Chairperson Crowley advised Senate Bill 1346 would prohibit a Board from suspending, revoking, or denying a license of a person based solely because the licensee provided legally protected activity as defined including exercising of rights related to reproductive health care services or gender-affirming health care services. Dr. Crowley noted staff was recommending that the Board remain neutral on this measure. Dr. Crowley believed it was appropriate to continue to watch the measure but did not believe a position was appropriate.

Members were provided the opportunity to comment.

Member Thibeau preferred supporting the measure based on activity in other states regarding reproductive and gender-affirming health care services that were crucial to patient safety.

Motion: Support

M/S: Thibeau/Chandler

Members of the public were provided the opportunity to comment.

A representative of CSHP advised they have taken a position of support if amended so that pharmacists can be added to those health care professionals protected from engaging in legally protected activities.

A retired pharmacist commented in support of pharmacists and pharmacies being protected noting the Board has a long-standing legal authority, position, and policy of automatically disciplining pharmacists and pharmacies that have California licenses if disciplined in their home state. The retired pharmacist supported a motion that covers both pharmacies and pharmacists.

Members were provided the opportunity to comment after hearing public comment.

Member Thibeau agreed with the comment that is should specifically include pharmacists and pharmacies.

Chairperson Crowley agreed but had an area of hesitation is that the Board should be able to evaluate certain things and wanted to make sure that there weren't activities that maybe would be concerning. Dr. Crowley didn't want to make it more difficult for health care providers to provide services especially gender affirming care and reproductive health services. Dr. Crowley was concerned if there was activity going on in other states and the Board would be completely prohibited from evaluating the licensees.

Member Thibeau was concerned someone would be in a state that didn't allow gender affirming care where their license was disciplined and then California had to discipline their license when the activity wasn't problematic in California. Dr. Thibeau thought it was important to take a state that the Board will support pharmacists in provide the care that is best and right for patients.

Member Chandler agreed with Member Thibeau.

Executive Officer Sodergren noted a public comment suggested that the Board automatically acts based on discipline in another jurisdiction. Ms. Sodergren clarified there was not automatic action that was taken. Ms. Sodergren noted it could lead to disciplinary action but there were no provisions in the law that it was automatic and clarified it was done on a case-by-case basis.

Counsel Smiley confirmed the Board didn't have any automatic discipline that's ever imposed and if the Board proceeds with discipline against the licensee that was done through an accusation process, was subject to the Attorney General review and ultimately decided by the Board reiterating there was nothing automatic about the Board's disciplinary process.

Support: 6 Oppose: 0 Abstain: 0 Not Present: 0

Board Member	Vote
Crowley	Support
De La Paz	Support
Chandler	Support
Jha	Support
Serpa	Support
Thibeau	Support

12. Senate Bill 427 (Portantino) Health care coverage: Antiretroviral Drugs, Devices,

and Products

Chairperson Crowley provided Senate Bill 427 would prohibit prior authorization or step therapy for medications approved for the prevention of AIDS/HIV under specified conditions. The measure would allow for prior authorization or step therapy if at least one therapeutically equivalent version is covered without prior authorization or step therapy.

Chairperson Crowley was comfortable with staff recommendation to establish a support if amended position and agreed with the policy goal of the measure, but did not believe it went far enough. Dr. Crowley believed the requirement should be expanded to include more than a single therapeutic.

Members were provided the opportunity to comment; however, no comments were made.

Motion: Support if amended

M/S: Chandler/Thibeau

Members of the public were provided the opportunity to comment; however, no comments were made.

Support: 6 Oppose: 0 Abstain: 0 Not Present: 0

Board Member	Vote
Crowley	Support
De La Paz	Support
Chandler	Support
Jha	Support
Serpa	Support
Thibeau	Support

13. Senate Bill 524 (Caballero) Pharmacists: Testing and Treatment

Chairperson Crowley reported as amended, Senate Bill 524 would establish authority for a pharmacist, until January 1, 2034, to furnish specified medications based upon test results received for specified illness, conditions, or diseases. Specified illnesses include SARS-CoV-2, Influenza, Streptococcal pharyngitis, sexually transmitted infection, and conjunctivitis. The measure would require the Board to develop standardized procedures and protocols with the Medical Board of California and would also require a pharmacy or health care facility in which a pharmacist is providing such treatment to provide an area designated

to maintain privacy and confidentiality. Additionally, the measure would require documentation to the extent possible, of the testing services provided in a record system maintained by the pharmacy. Dr. Crowley noted the measure would specify the provisions established are covered under Medi-Cal.

Chairperson Crowley agreed with the comments. Dr. Crowley believed patients would be well served by pharmacists performing these services, but was extremely concerned with current working conditions in community pharmacies specifically chain settings. Dr. Crowley recalled previous Committee discussions that test-to-treat goes hand-in-hand if you are already testing a patient, it makes sense to provide the treatment and Dr. Crowley agreed. Dr. Crowley reviewed a scenario where someone comes into the pharmacy to be tested; waits 15-20 minutes for results; if results are positive, the pharmacist provides the recommended therapeutic; and the patient waits 15-20 minutes for the prescription all while the pharmacist is going in and out of workflow sometimes being the only person there. The pharmacist's work would be accumulating and they are multi-tasking at the same time. Dr. Crowley stated that was concerning from a patient safety standpoint and until working conditions were addressed was hesitant.

Chairperson Crowley believed the proposed authorizations covered in the measure were appropriate and consistent with a pharmacist's knowledge, skills, and abilities, but was not confident that pharmacists working in community chain pharmacies currently have appropriate staff support to provide these services in the best interest of patients while also balancing all of the other workload pharmacists currently have.

Chairperson Crowley noted staff were not recommending a position. Dr. Crowley added while the policy in the measure should not be a complex one, the practical realities right now of working conditions make it difficult to establish a support position. Dr. Crowley believed if the provisions in AB 1286 were already in place, this would be an easy measure to support.

Chairperson Crowley advised the measure was heard in Senate Business, Professions and Economic Development Committee on April 17, 2023. The measure passed and would be heard in Senate Health Committee on April 25, 2023. Dr. Crowley reported the measure has several entities supporting the measure including the California Pharmacists Association and was sponsored by the California Community Pharmacist Coalition, which is a project of the California Retailers Association. Dr. Crowley noted there were several city governments that were supportive of the measure. Dr. Crowley noted opposition to this measure included opposition from the California Medication Association and UFCW.

Members were provided the opportunity to comment.

Member Jha welcomed the extension of the duties of the pharmacist being the most easily accessible health care provider especially in rural communities where Mr. Jha lives. Mr. Jha noted the concerns about staffing was valid but thought there were different measures to enforce and shouldn't limit the extent of service that the profession can provide.

Member Chandler agreed with Dr. Crowley that the understaffing and overworking of the pharmacists that significantly impacts quality of care for consumers. Mr. Chandler was more inclined to take an opposed unless amended position to make it clear staffing must be addressed.

Member Serpa explained the difference between support if amended and oppose if amended. Dr. Serpa had concern with an oppose unless amended position.

Member Chandler made a motion for oppose unless amended position to address the staffing issues in the pharmacy. There was not a second to the motion.

Member Thibeau recommended a watch position as AB 1286 could potentially address the issues based on how AB 1286 moves forward. Members Jha and Serpa agreed. Dr. Crowley was torn between requesting language change or watch position.

Motion: Watch

M/S: Thibeau/Jha

Members of the public were provided the opportunity to comment.

A representative from CCPC commented as the sponsor and viewed this as a health care access measure. The representative was willing to work with the Board's concerns for a support position.

A representative from UFCW reported having an opposed unless amended position. The representative agreed with the goal of the measure but had concerns with staffing challenges and the breaking of workflow. They were proposing an amendment to require an additional pharmacist at the pharmacy to provide these duties.

A representative of CSHP reported a support position on the measure.

A retired pharmacist commented in support as other states have moved to test-to-treat and expressed concern with the requirement for the Board and the Medical Board to have an agreement on process and recommending removing this from the measure.

A representative of CVS Health indicated that California was traditionally a leader in expanding pharmacist practice and was confused as to why the Board would not expand pharmacist practice.

A representative of CPhA spoke in support of SB 524 and agreed with the premise of the legislation to increase access to care in underserved communities. The representative understood the concerns with staffing but the overriding issues was increasing access points.

A commenter agreed with the statement that pharmacists were overworked and understaffed as well has expressed a concern that pharmacists may not have access to all of the necessary patient medical information needed.

Members were provided the opportunity to comment after having heard public comment.

Member Jha requested clarification on a watch position. Ms. Sodergren explained a position of watch acknowledges that the Board is aware of the measure and can communicate as part of the Board's position that the Board notes support of the policy but recognizes the challenges in the marketplace and as such will continue to watch while reviewing other measures.

Chairperson Crowley noted that while the measure does not mandate the services, the practical nature was that some employers will mandate the services. Dr. Crowley noted the need was to focus on access to quality care.

Support: 6 Oppose: 0 Abstain: 0 Not Present: 0

Board Member	Vote
Crowley	Support
De La Paz	Support
Chandler	Support
Jha	Support
Serpa	Support
Thibeau	Support

14. Senate Bill 544 (Laird) Bagley-Keene Open Meetings Act: Teleconferencing

Chairperson Crowley advised Senate Bill 544 would create permanent authority for remote Board Meetings underspecified conditions. The measure would be heard in the Senate Judiciary Committee April 25, 2023. Dr. Crowley agreed with the staff to support this measure.

Members were provided the opportunity to comment.

Member Thibeau spoke in favor of supporting the measure noting the equity that the measure provides and that in person meetings create a barrier to participate in meetings.

Motion: Support

M/S: Thibeau/Chandler

Members of the public were provided the opportunity to comment; however, no comments were made.

Support: 6 Oppose: 0 Abstain: 0 Not Present: 0

Board Member	Vote
Crowley	Support
De La Paz	Support
Chandler	Support
Jha	Support
Serpa	Support
Thibeau	Support

15. Senate Bill 826 (Rubio) Crimes: Criminal History Information: Subsequent Arrest

Chairperson Crowley reported Senate Bill 826 would establish a process for the Board to receive subsequent arrest notifications from the FBI. Dr. Crowley agreed with the comments included in the meeting materials including acknowledging the inequities that exist in the criminal justice system; however, given the Board's consumer protection mandate believed a support position was appropriate.

Members were provided the opportunity to comment; however, no comments were made.

Motion: Support

M/S: Chandler/Serpa

Members of the public were provided the opportunity to comment; however, no comments were made.

Support: 6 Oppose: 0 Abstain: 0 Not Present: 0

Board Member	Vote
Crowley	Support
De La Paz	Support
Chandler	Support
Jha	Support
Serpa	Support
Thibeau	Support

16. Senate Bill 873 (Bradford) Prescription Drugs: Cost Sharing

Chairperson Crowley reported Senate Bill 873 would require the cost sharing savings of a prescription drug, based on rebates received, to be calculated at the point of sale as specified, by requiring the health care service plan or insurer to provide the information to the dispensing pharmacy. Dr. Crowley noted the measure as being considered April 19, 2023, as part of the Senate Health Committee hearing. Dr. Crowley agreed with the policy goal of the measure and the staff recommendation of a support position.

Members were provided the opportunity to comment.

Member Thibeau appreciated the concept but had concerns about protections for pharmacies and claw back provisions. Dr. Thibeau thought there should be an amendment that puts the burden of these rebates onto the PBM.

Motion: Support if amended

M/S: Thibeau/Chandler

Members of the public were provided the opportunity to comment.

A representative of Cedar Sinai indicated the bill was unclear how it would work at point of sale.

Support: 6 Oppose: 0 Abstain: 0 Not Present: 0

Board Member	Vote
Crowley	Support
De La Paz	Support
Chandler	Support
Jha	Support
Serpa	Support
Thibeau	Support

V. Discussion and Consideration of Board Approved Regulations Undergoing Pre-Notice Review by the Department of Consumer Affairs, or Business, Consumer Services and Housing Agency

- a. Proposed Regulation to Add Title 16 CCR Section 1706.6 related to Military Spouses and Partners Temporary Licensure
- b. Proposed regulation to Amend Title 16 CCR Section 1709.1 Related to the Designation of Pharmacist-in-Charge
- c. Proposed Regulation to Add Title 16 CCR Section 1750 and 1750.1 Related to Outsourcing Facilities
- d. Proposed Regulation to Amend Title 16 CCR Section 1746.3 Related to Opioid Antagonist

VI. Discussion and Consideration of Board Approved Regulations – Board Staff Reviewing Comments Provided by the Department of Consumer Affairs or Business, Consumer Services and Housing Agency

- a. Proposed Regulation to Amend Title 16 CCR Section 1760 Related to Disciplinary Guidelines

VII. Discussion and Consideration of Board Approved Regulations – Board Staff Drafting Rulemaking Documents

- a. Proposed Regulation to Amend Title 16 CCR Section 1732.5 and add Section 1732.8 related to Continuing Education
- b. Proposed Regulation to Amend Title 16 CCR Section 1708.2 Related to Discontinuance of Business
- c. Proposed Regulation to Add Title 16 CCR Section 1746.6 Related to Medication Assisted Treatment Protocol
- d. Proposed regulation to Amend Title 16 CCR Section 1711 Related to Quality Assurance

VIII. Discussion and Consideration of Board Authorized Section 100 – Board Staff Drafting Section 100 Documents

- a. Proposed Regulation to Amend Title 16 CCR Sections 1715 and 1784 Related to the Community Pharmacy, Hospital Pharmacy, and Dangerous Drug Distributor Self-Assessment Forms

Chairperson Crowley advised the remaining items were for information only. As detailed in the meeting materials and associated attachments, the Board had several regulations in various stages of promulgation. Dr. Crowley noted that the Board had four regulations undergoing pre-notice review by the Department of Consumer Affairs or Business, Consumer Services and Housing Agency. Dr. Crowley added staff were reviewing the comments provided by DCA related to the Board's proposed changes to its disciplinary guidelines. Staff were also working on drafting regulation documents for five regulation packages, including one regulation package to update self-assessment forms via the Section 100 process.

Members of the public were provided the opportunity to provide public comment; however, none were provided.

Members were provided the opportunity to comment; however, no comments were made.

IX. Future Committee Meeting Dates

Chairperson Crowley advised the next Committee meeting date was July 18, 2023, in person with the opportunity for the public to participate via WebEx.

X. Adjournment

Chairperson Crowley adjourned the meeting at 11:14 a.m.