



California State Board of Pharmacy

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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

GOVERNOR EDMUND G. BROWN JR.

To: Board Members

Subject: Executive Officer Recruitment and Selection Process

During the board meeting a presentation will be provided by the Department of Consumer Affairs' Personnel Officer on the recruitment and selection process.

Following this memo is a copy of the proposed duty statement, the draft recruitment announcement and a flow chart illustrating the recruitment process.

Exempt Employee's Name	
Classification Title Executive Officer	Board / Bureau / Commission / Committee Board of Pharmacy
Exempt Level / Salary Range G / \$10,456.00 - \$11,648.00	Geographic Location Sacramento
Position Number 632-110-8916-001	Effective Date of Appointment

Scope of Regulation:

The Board of Pharmacy is a consumer protection agency charged with protecting the state's consumers with respect to prescription drugs and devices. The board regulates all aspects of pharmacy practice in California and provides for protection of the public by overseeing over 140,000 pharmacy practitioners and firms through more than 30 complex regulatory programs, and the enforcement and regulatory issues arising from these programs. The board regulates those who handle, compound, dispense, ship and store prescription drugs and devices to patients and health care practitioners within and into California.

Authority for Position:

Business and Professions Code, Chapter 9, Division 2, Article 1, section 4003 (a) provides that: "The board, with the approval of the director, may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter..."

Authority of the Executive Officer:

Pursuant to California Code of Regulations section 1703, "the power and discretion conferred by law upon the board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code; set and calendar cases for hearing and perform other functions necessary to business-like dispatch of the business of the board in connection with proceedings under provisions of sections 11500 through 11528 of the Government Code including . . . the certification and delivery or mailing of copies of decisions under Section 11518 of said code; and issue summary suspension orders or notices of suspension under Section 4311 of the Business and Professions Code... are hereby delegated to and conferred upon the executive officer, or, in his or her absence from the office of the board, the acting executive officer."

General Statement:

Under the direction and leadership of the 13-member board, the Executive Officer (EO) of the board functions as the chief operations officer and is accountable for the operation and management of all board programs, resources and staff. This includes the board's five strategic committees – Enforcement and Compounding, Legislation, Licensing, Communication and Public Education, and Organizational Development – having functional responsibility for board programs and broadly organizes, plans and directs work and staff functions so that work necessary to fulfill the board's consumer protection mandate is performed accurately, timely, legally, optimally and efficiently. This is done through licensing,

enforcement, organizational performance and administration, communication functions with the public and licensees, and legislative and regulation advocacy.

The EO is responsible for interpreting and executing the intent of all board policies to the public, other governmental agencies and the media and for promoting the board's vision and mission. The EO serves as the board's liaison with other state, federal and private agencies. The EO is responsible for providing expertise and direct input to the board in strategic planning and decision making by outlining the policy options and their various implications including legal issues, staff resources and public impact. The EO ensures the board is aware of internal and external factors that could influence board decisions and policy development. This position is an at-will position and the incumbent serves at the pleasure of the board. The duties of this position include, but are not limited to, the following:

A. Specific Assignments [Essential (E) / Marginal (M) Functions]:

40% (E) Acts as consultant and liaison to the Board of Pharmacy

- Responsible for understanding, advocating and complying with board policies and strategic plan objectives. Ensures the development, ongoing review and implementation of the strategic plan. Participates in the development and activation of the board's mission and vision, goals and objectives and performance measures.
- Consults with and secures advice to the board on complex legal and regulatory issues involving the practice of pharmacy and emerging health care issues. Serves as consultant to the board and its policy-development committees on complex policy and program issues.
- Confers with staff counsel and deputy attorneys general on issues regarding policy decisions, disciplinary activities and legal opinions.
- Coordinates and ensures the execution of all board and committee meetings, develops board and committee meeting agendas and acts as board spokesperson at meetings and hearings as delegated by the board. Provides the board with complete, clear and accurate meeting minutes and keeps the board informed of the progress of board programs and issues.
- Acts as the board's agent and represents the board in matters before the Legislature, Governor's Office, the Department of Consumer Affairs (Department), Business, Consumer Services and Housing Agency, other state and federal agencies, schools of pharmacy, the media and professional associations. Participates in and makes presentations before national and state association meetings, policy forums, and regulatory bodies.

25% (E) Ensures the effective and efficient management of enforcement programs and the enforcement of Chapter 9, Division 2 of the Business and Professions Code, including the investigation and prosecution of violators.

- Oversees the full administration of the various components of the board's enforcement program to ensure that the public is protected through the inspection of licensed entities, compliance and education of licensees, the investigation and mediation of violations, appropriate discipline of licensees, the monitoring of probationers and where appropriate the referral of pharmacists and interns to the pharmacist recovery program.

- Develops and facilitates critical enforcement statutes, regulations and policies to protect the consumer.
- Ensures that strategic enforcement performance measures are met, reviews investigation reports and authorizes appropriate disciplinary and administrative action. Liaisons with and oversees the board's senior managers in the administration and management of the board's enforcement and licensing staff. Ensures general oversight of the board's 55 expert investigative pharmacist inspectors. Works closely with the supervising inspectors in the development of the responsibilities, priorities and performance of the enforcement teams.
- Issues citations and fines and ensures that the citation and fine program is in compliance with statutory and regulatory mandates.
- Oversees the discipline of licensees in accordance with the provisions of the Administrative Procedures Act. Receives, reviews and files accusations, statement of issues and petitions for license revocation; determines, negotiates and authorizes appropriate disciplinary penalties in accordance with the board's penalty guidelines and advises deputy attorneys general of board policy and pharmacy law in disciplinary matters.
- Identifies trends in pharmacy practice such as Internet drug purchasing, compounding issues, drug diversion, and determines appropriate enforcement and educational actions to safeguard the public.
- Ensures the ongoing review, revision and dissemination of the board's penalty guidelines and public disclosure policy.

15% (E) Oversees the administration of examination and licensing programs to ensure the professional qualifications of licensees.

- Ensures that licensing performance measures are met and that the administration of all licensure activities is completed in an efficient, accurate and timely manner.
- Ensures the continuous review and development of pharmacist licensure exams to ensure that they fairly and effectively test the knowledge, skills, and abilities of importance to the practice of pharmacy in California
- Pursues innovative, technological and other emerging pharmacy practices and trends to oversee the regulation of changes in pharmacy health care.

10% (E) Oversees the legislative liaison activities of the board and advocates legislation and regulations that advance the vision and mission of the board.

- Interprets and executes Chapter 9, Division 2 of the Business and Professions Code to identify and respond to legislative changes to keep pharmacy law current and consistent with the board's strategic objectives.
- Identifies the need for new legislation, recommends modifications to existing statutes or regulations to conform to board policy and to strengthen and enhance the board's public protection mandate. Ensures the promulgation of regulations in accordance with the provisions and criteria established by the Office of Administrative Law.
- Advocates the board's positions on legislation to senior officials, legislators, the media and others. Oversees the development of legislation and secures bill authors, advocates amendments, secures enactment of board-sponsored legislation and testifies before

legislative committees at public hearings regarding major board policies, programs and activities.

- Recommends and advocates for amendments of provisions needed to regulate or address emergent issues affecting public health within the board's jurisdiction.

5% (E) Administrative policy and procedures management

- Manages a \$25 million annual budget to ensure appropriate allocation of resources to perform mandated board business, ensure fiscal vitality and program integrity. Oversees budget planning and development, and ensures that the board is routinely apprised of its fund condition. Pursues program enhancements and expansions through the budget change proposal process.
- Oversees the strategic planning process through identification, implementation and continuous assessment of strategic plan objectives. Performs strategic management of the board through all committee and board activities. Ensures effective communication venues among board staff.
- Directs the review of workload and resources to streamline operations, target backlogs, and implement program changes to maximize services and processes while meeting fiscal restraints.
- Ensures the execution of sound personnel practices and procedures in accordance with state personnel rules, and pursues active recruitment, development and evaluation of staff.
- Manages the Sunset Review process, ensures the timely submission of a complete report to the Joint Legislative Sunset Review Committee and works to secure the passage of legislation to extend the board's sunset date.

5% (E) Provides leadership in the dissemination of relevant information to board licensees and to the public to improve licensee knowledge and consumer awareness. Assures that public outreach and education are implemented.

- Manages sensitive board communications and acts as the board's spokesperson before legislative committees, agency and departmental staff, other governmental agencies, professional associations, the media, the schools of pharmacy and other interested groups. Ensures public information requests are responded to regarding board programs, activities and records pursuant to the Public Records Act and the Information Practices Act.
- Educates licensees and the public through important notices sent via email subscriber alerts. Ensures the board's newsletter *The Script* is published at least twice annually and oversees the development and publication of consumer informational brochures.
- Develops and conducts major studies and special reports detailing specific program areas. These reports include the pharmacy manpower task force recommendations, business process documentation, fee structure analysis, consumer awareness and opinion surveys, strategic plan and business continuity plans. These reports are published and distributed to board members, the Department, administration officials, professional associations, health care agencies, the Legislature and the public.
- Develops board-sponsored continuing education programs in pharmacy law and ethics to ensure board licensees have access to at least two hours of board-provided continuing

education in this area. Coordinates and presents educational programs at local and annual professional association meetings throughout California.

- Participates in or delegates appropriate staff to participate in forums, conferences and educational fairs
- Ensures the maintenance of the board's Web site and the integrity of the information presented on the site and, as the board's custodian of records, ensures the preservation of board records and certifies as to their accuracy and veracity.

B. Supervision Received

The EO serves under the administrative direction of the board and reports directly to the board president.

C. Supervision Exercised

The EO is delegated the authority by the board to provide leadership and oversight for all board programs and activities. The EO functions as operations officer for management of the board's resources and staff and directly supervises the Assistant Executive Officer (CEA B). In addition, the EO indirectly supervises all board civil service staff that consists of over 130 employees statewide including in-house inspectors who are pharmacists. These pharmacist inspectors employ their knowledge and expertise of complex pharmacological issues to review and investigate technical practice issues including unsafe dispensing, inappropriate or unsafe compounding, intravenous drug therapy, and nuclear pharmacy. The board's inspectors also work with and assist local, state and federal law enforcement agencies in investigating of violations of pharmacy law.

D. Administrative Responsibility

The EO is responsible for all administrative and fiscal functions and aspects of the board. This includes enforcement expenditures which are the majority of the board's \$25 million annual budget.

E. Personal Contacts

The EO has regular contact with all levels of board staff, DCA executive management and staff, legislators, the Governor's Office, Business, Consumer Services and Housing Agency, various state agencies, members of the public and members of trade and industry groups.

F. Functional Requirements

The EO works in an office setting with artificial light and temperature control. Regular attendance is essential. Daily access to and use of a personal computer and telephone are essential. Sitting and standing requirements are consistent with office work. The incumbent is required to travel throughout an assigned geographical area by various methods of transportation.

G. Other Information

Title 11, section 703 (d) of the California Code of Regulations requires criminal record checks of all personnel who have access to Criminal Offender Record Information (CORI). Pursuant to this requirement, applicants for this position will be required to submit fingerprints to the Department of Justice and be cleared before hiring. In

accordance with DCA's (CORI) procedures, clearance shall be maintained while employed in a CORI-designated position. Additionally, the position routinely works with sensitive and confidential issues and/or materials and is expected to maintain the privacy and confidentiality of documents and topics pertaining to individuals or to sensitive program matters at all times.

This position also requires the incumbent to take an Oath of Office prior to appointment.

This position is subject to Title 16, section 3830 of the California Code of Regulations, the Department of Consumer Affairs' Conflict of Interest Regulations. The incumbent is required to submit a Statement of Economic Interests (Form 700) within 30 days of assuming office, annually by April 1st, and within 30 days of leaving office.

The incumbent is a Work Week Group E employee and is expected to work an average of 40 hours per week each year, and may be required to work specified hours based on the business needs of the board.

I have read and understand the duties listed above and I can perform these duties with or without reasonable accommodation. (If you believe reasonable accommodation is necessary, discuss your concerns with the hiring supervisor. If unsure of a need for reasonable accommodation, inform the hiring supervisor, who will discuss your concerns with the Health & Safety analyst.)

Employee's Signature

Date

Employee's Printed Name

I have discussed the duties of this position with and have provided a copy of this duty statement to the employee named above.

Board President's Signature

Date

Board President's Printed Name

Revised and adopted by the Board at (DATE) Board meeting



**BOARD OF PHARMACY
INVITES APPLICATIONS FOR THE POSITION OF
EXECUTIVE OFFICER
632-110-8916-001
\$10,456.00 – 11,648.00 (per month)**

The Board of Pharmacy protects and promotes the health and safety of Californians by pursuing the highest quality of pharmacist's care and the appropriate use of pharmaceuticals through education, communication, licensing, legislation, regulation, and enforcement.

The Executive Officer works closely with and advises the 13 Board members in the development of policy and in the administration of the Board's enforcement, licensing and regulatory programs to further the Board's consumer protection mandate. The Board regulates approximately 140,000 licensees in more than 30 separate licensure classifications, including pharmacists, pharmacy technicians, pharmacies and drug wholesalers. The Executive Officer enforces the overall policies established by the Board relating to its programs, under the authority of Chapter 9, Division 2 of the Business and Professions Code.

The Executive Officer is hired by the Board and serves at its pleasure. This position is exempt from civil service and is located in Sacramento, California.

Desirable Qualifications and Experience:

- Familiar with the laws and rules pertaining to licensure, practice, and education of pharmacists, pharmacy technicians, pharmacies, drug wholesalers, prescription drug regulation and distribution in the United States;
- Knowledge of current consumer issues facing the Board;
- Ability to effectively negotiate and/or communicate, verbally and in writing, with all levels of individuals. Demonstrating the ability to be a leader, innovator and motivator, using tact and persuasiveness in achieving results;
- Administrative experience, including, but not limited to, the ability to prepare, understand, and work within a government budget/fiscal environment, develop regulations and policy development and implementation;
- Supervisory and/or management experience, including the ability to organize and control the flow of work, manage professional and clerical staff within an office, work well under pressure, meet deadlines, and possess strong organizational, supervisory and leadership capabilities;
- Enforcement experience, processing complaints, monitoring investigations, keeping abreast of hearings on disciplinary matters, etc.;
- Legislative or lobbying experience and/or coordination and testifying before legislative committees;
- Experience communicating with all levels of individuals, including government officials, the public, stakeholders, and media, and testifying in court;
- Experience working with and presenting before a large organizational or governmental structure, including state and national associations;
- A baccalaureate degree from an accredited college or an advanced or professional degree in public policy, administration, political science, or related field preferred.

Special Requirements:

Conflict of Interest Filing

This position is subject to Title 16, section 3830 of the California Code of Regulations, the Department of Consumer Affairs' (DCA) Conflict of Interest Regulations. The incumbent is required to submit a Statement of Economic Interests (Form700) within 30 days of assuming office, annually by April 1st, and within 30 days of leaving office.

Criminal Offender Record Information (CORI)

Title 11, section 703 (d) of the California Code of Regulations requires criminal record checks of all personnel who have access to Criminal Offender Record Information (CORI). Pursuant to this requirement, applicants for this position will be required to submit fingerprints to the Department of Justice and be cleared before hiring. In accordance to DCA's (CORI) procedures, clearance shall be maintained while employed in a CORI-designated position. Additionally, the position routinely works with sensitive and confidential issues and/or materials and is expected to maintain the privacy and confidentiality of documents and topics pertaining to individuals or to sensitive program matters at all times.

Interested Persons Must Submit the Following:

- 1) A [number of pages] page Statement of Qualifications that specifically addresses the desirable qualifications and experience outlined above;
- 2) A State application ([Std 678](#));
- 3) A resume/curriculum vitae; and
- 4) Minimum of three (3) letters of professional reference.

Application packages may be submitted via U.S. Postal Service mail or hand delivery to:

Department of Consumer Affairs
Office of Human Resources
1625 N. Market Blvd., Suite N-321
Sacramento, CA 95834
Attn: **Nicole Le**

Application packages submitted via U.S. Postal Service must be postmarked on or before the final filing date. Application packages submitted via hand delivery must be delivered to the Office of Human Resources by 5:00 p.m. on the final filing date.

Application packages may also be submitted electronically via CalCareers at www.jobs.ca.gov for Job Control (JC) [JC number]. Application packages submitted via CalCareers must be received by 11:59 p.m. Pacific Standard Time on the final filing date.

The final filing date for this recruitment is [30 days from release date], 2018.

All applications will be screened and only the most qualified candidates will be scheduled for a preliminary interview. Finalists will be invited to a full Board interview at a Board meeting. Travel expenses for these interviews are the responsibility and at the expense of each candidate. Upon being contacted for interviews, it is the candidate's responsibility to notify the interview scheduler of any need for reasonable accommodation to participate in the interview.

For further information or questions, please contact Nicole Le, Department of Consumer Affairs, Office of Human Resources at (916) 574-8306 or via email at Nicole.le@dca.ca.gov.

The State of California and Department of Consumer Affairs is an equal opportunity employer to all, regardless of age, ancestry, color, disability (mental and physical), exercising the right to family care and medical leave, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, political affiliation, race, religious creed, sex (includes pregnancy, childbirth, breastfeeding and related medical conditions), and sexual orientation.

Pharmacy Board Executive Officer recruitment process

