



## COMMUNICATION AND PUBLIC EDUCATION COMMITTEE REPORT

Ricardo Sanchez, Public Member, Chairperson  
Jason Weisz, Public Member, Vice Chairperson  
Shirley Kim, Public Member  
Seung Oh, Licensee Member

The Board will review a summary of the committee's work at its April 29, 2021, meeting, as well as updates for discussion and action as necessary.

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

#### Background

The committee is considering possible changes to refresh and update the Notice to Consumers poster. The current poster is in **Attachment 1**.

Taken together, Business and Professions Code sections [4122](#) and [733](#) require pharmacies to post a notice informing consumers about specific types of information. [CCR section 1707.6](#) specifies the wording to be printed on the notice. Any wording changes would require rulemaking to amend section 1707.6 and possible changes to BPC sections 4122 and 733. Copies of BPC sections 4122 and 733 and CCR section 1707.6 are in **Attachment 1**.

At the January 2021 committee meeting, members discussed possible wording changes focused on preventing medication errors. In addition, members said the poster should not overwhelm consumers with too much information. Based on the discussion, staff agreed to return with possible wording focused on medication errors.

#### At Today's Meeting

Staff has drafted two possible wording options for the poster in **Attachment 1**. These options are intended to help the committee identify important information and refine the wording for the Notice to Consumers.

Option 1 focuses on preventing medication errors. Option 2 includes the wording from the first option and adds information specified in BPC section 4122 and 733.

Although Option 1 is more concise, Option 2 would not require statutory changes to BPC sections 4122 and 733.

Staff requests the committee's discussion and feedback on the draft options or other preferences for the Notice to Consumers poster.

## **b. Discussion and Consideration of Self-Assessment Process**

### Background

[CCR section 1715](#) requires a pharmacist-in-charge (PIC) to complete a self-assessment of the pharmacy's compliance with pharmacy laws. In general, self-assessment must be done:

- Before July 1 of every odd-numbered year.
- Within 30 days of a new permit being issued.
- Upon appointment of a new PIC (or other designated individual).
- When a facility moves to a new address.

At the January 2021 Enforcement and Compounding Committee meeting, members discussed challenges in getting pharmacies to complete self-assessment forms. The forms are an important tool to educate licensees about pharmacy laws. However, many licensees either fail to perform the self-assessment, or else fill out the forms to indicate compliance with pharmacy laws but are actually found to be noncompliant during inspections.

Committee members discussed the possibility of changing the self-assessment process. The current process requires licensees to complete and download PDF [self-assessment forms](#) posted on the Board's website.

Committee members suggested developing a more interactive process for self-assessment that would engage licensees and also provide capability for the Board to verify the self-assessment was performed. At the Enforcement Committee's recommendation, the Board president referred the matter to the Communication and Public Education Committee.

### At Today's Meeting

Staff is researching ideas for developing an interactive, web-based process that could engage licensees and improve compliance with the self-assessment requirement. To begin, staff has reached out to the National Association of Boards of Pharmacy (NABP), which hosts many interactive resources for pharmacists on its website; and DCA's SOLID unit, which assists DCA entities improve operations in a wide variety of settings.

NABP is gathering information for Board staff. SOLID has broadly sketched out two possible options for a new self-assessment process:

- An electronic self-assessment form on the Board's website. Licensees would login and password credentials to access and complete forms. This system would provide the Board with a record of completion by each licensee.
- An online form hosted by Survey Monkey. The Survey Monkey account would be controlled either by the Board or the DCA Office of Information Services (OIS). This system also would provide a record of self-assessment completion. There is a possibility that data could be lost if there were any changes to the account.

Many details – including technical requirements, staffing, and cost – would require more research. However, staff believes these suggestions provide a starting point for envisioning a more interactive process for pharmacy self-assessment.

In discussing this information, the committee could direct staff to report back with more details on options suggested by SOLID and NABP; consult other sources and investigate other possible types of self-assessment process; or provide other information for the committee to consider.

**c. Update on Communication and Public Education Activities by Staff**

**1. The Script**

The [March 2021 issue of The Script](#) was published last month. In addition to articles on new pharmacy laws and CURES reporting requirements for 2021, the newsletter includes links to all disciplinary cases closed by the Board in 2020.

**2. Staff Outreach**

Executive Officer Anne Sodergren and Licensing Manager Amber Dillon provided presentations on the pharmacist licensure process to students at:

- UCSF, March 11.
- Touro University, March 16.
- UCSF, March 18.
- California Northstate University, March 25.

In addition, staff is set to provide CE training for pharmacists on prescription drug abuse and diversion on May 19, 2021.

**3. News Media**

Staff responded to news media inquiries listed in **Attachment 2**.

**d. Future Meeting Dates**

Dates for upcoming committee meetings in 2021 are:

- Wednesday, July 14.
- Wednesday, October 27.

# **Attachment 1**

- 1. Current Notice to Consumers Poster.**
- 2. Text of BPC section 4122.**
- 3. Text of BPC section 733.**
- 4. Text of CCR section 1707.6.**
- 5. Proposed Notice Wording – Option 1.**
- 6. Proposed Notice Wording – Option 2.**

**BUSINESS AND PROFESSIONS CODE - BPC**  
**DIVISION 2. HEALING ARTS [500 - 4999.129]**  
*( Division 2 enacted by Stats. 1937, Ch. 399. )*

**CHAPTER 9. Pharmacy [4000 - 4427.8]**  
*( Chapter 9 repealed and added by Stats. 1996, Ch. 890, Sec. 3. )*

**ARTICLE 7. Pharmacies [4110 - 4126.9]**  
*( Article 7 added by Stats. 1996, Ch. 890, Sec. 3. )*

**4122.**

(a) In every pharmacy there shall be prominently posted in a place conspicuous to, and readable by, prescription drug consumers a notice provided by the board concerning the availability of prescription price information, the possibility of generic drug product selection, the type of services provided by pharmacies, and a statement describing patients' rights relative to the requirements imposed on pharmacists pursuant to Section 733. The format and wording of the notice shall be adopted by the board by regulation. A written receipt that contains the required information on the notice may be provided to consumers as an alternative to posting the notice in the pharmacy.

(b) A pharmacist, or a pharmacist's employee, shall give the current retail price for any drug sold at the pharmacy upon request from a consumer, however that request is communicated to the pharmacist or employee.

(c) If a requester requests price information on more than five prescription drugs and does not have valid prescriptions for all of the drugs for which price information is requested, a pharmacist may require the requester to meet any or all of the following requirements:

(1) The request shall be in writing.

(2) The pharmacist shall respond to the written request within a reasonable period of time. A reasonable period of time is deemed to be 10 days, or the time period stated in the written request, whichever is later.

(3) A pharmacy may charge a reasonable fee for each price quotation, as long as the requester is informed that there will be a fee charged.

(4) No pharmacy shall be required to respond to more than three requests as described in this subdivision from any one person or entity in a six-month period.

(d) This section shall not apply to a pharmacy that is located in a licensed hospital and that is accessible only to hospital medical staff and personnel.

(e) Notwithstanding any other provision of this section, no pharmacy shall be required to do any of the following:

(1) Provide the price of any controlled substance in response to a telephone request.

(2) Respond to a request from a competitor.

(3) Respond to a request from an out-of-state requester.  
*(Amended by Stats. 2007, Ch. 130, Sec. 11. Effective January 1, 2008.)*

**BUSINESS AND PROFESSIONS CODE - BPC**  
**DIVISION 2. HEALING ARTS [500 - 4999.129]**  
*( Division 2 enacted by Stats. 1937, Ch. 399. )*

**CHAPTER 1. General Provisions [500 - 865.2]**  
*( Chapter 1 enacted by Stats. 1937, Ch. 399. )*

**ARTICLE 10.5. Unprofessional Conduct [725 - 733]**  
*( Article 10.5 added by Stats. 1979, Ch. 348. )*

**733.**

(a) A licentiate shall not obstruct a patient in obtaining a prescription drug or device that has been legally prescribed or ordered for that patient. A violation of this section constitutes unprofessional conduct by the licentiate and shall subject the licentiate to disciplinary or administrative action by his or her licensing agency.

(b) Notwithstanding any other law, a licentiate shall dispense drugs and devices, as described in subdivision (a) of Section 4024, pursuant to a lawful order or prescription unless one of the following circumstances exists:

(1) Based solely on the licentiate's professional training and judgment, dispensing pursuant to the order or the prescription is contrary to law, or the licentiate determines that the prescribed drug or device would cause a harmful drug interaction or would otherwise adversely affect the patient's medical condition.

(2) The prescription drug or device is not in stock. If an order, other than an order described in Section 4019, or prescription cannot be dispensed because the drug or device is not in stock, the licentiate shall take one of the following actions:

(A) Immediately notify the patient and arrange for the drug or device to be delivered to the site or directly to the patient in a timely manner.

(B) Promptly transfer the prescription to another pharmacy known to stock the prescription drug or device that is near enough to the site from which the prescription or order is transferred, to ensure the patient has timely access to the drug or device.

(C) Return the prescription to the patient and refer the patient. The licentiate shall make a reasonable effort to refer the patient to a pharmacy that stocks the prescription drug or device that is near enough to the referring site to ensure that the patient has timely access to the drug or device.

(3) The licentiate refuses on ethical, moral, or religious grounds to dispense a drug or device pursuant to an order or prescription. A licentiate may decline to dispense a prescription drug or device on this basis only if the licentiate has previously notified his or her employer, in writing, of the drug or class of drugs to which he or she objects, and the licentiate's employer can, without creating undue hardship, provide a reasonable accommodation of the licentiate's objection. The licentiate's employer shall establish protocols that ensure that the patient has timely access to the prescribed drug or device despite the licentiate's refusal to dispense the

prescription or order. For purposes of this section, "reasonable accommodation" and "undue hardship" shall have the same meaning as applied to those terms pursuant to subdivision (l) of Section 12940 of the Government Code.

(c) For the purposes of this section, "prescription drug or device" has the same meaning as the definition in Section 4022.

(d) This section applies to emergency contraception drug therapy and self-administered hormonal contraceptives described in Section 4052.3.

(e) This section imposes no duty on a licentiate to dispense a drug or device pursuant to a prescription or order without payment for the drug or device, including payment directly by the patient or through a third-party payer accepted by the licentiate or payment of any required copayment by the patient.

(f) The notice to consumers required by Section 4122 shall include a statement that describes patients' rights relative to the requirements of this section.

*(Amended by Stats. 2013, Ch. 469, Sec. 1. (SB 493) Effective January 1, 2014.)*



## § 1707.6. Notice to Consumers.

(a) In every pharmacy there shall be prominently posted, in a place conspicuous to and readable by a prescription drug consumer, a notice containing the text in subdivision (b). Each pharmacy shall use the standardized poster-sized notice provided or made available by the board, unless the pharmacy has received prior approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval. As an alternative to a printed notice, the pharmacy may also or instead display the notice on a video screen located in a place conspicuous to and readable by prescription drug consumers, so long as: (1) The video screen is at least 24 inches, measured diagonally; (2) The pharmacy utilizes the video image notice provided by the board; (3) The text of the notice remains on the screen for a minimum of 60 seconds; and (4) No more than five minutes elapses between displays of any notice on the screen, as measured between the time that a one-screen notice or the final screen of a multi-screen notice ceases to display and the time that the first or only page of that notice re-displays. The pharmacy may seek approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval.

(b) The notice shall contain the following text:

### NOTICE TO CONSUMERS

California law requires a pharmacist to speak with you every time you get a new prescription.

*You* have the right to ask for and receive from any pharmacy prescription drug labels in 12-point font.

*Interpreter* services are available to you upon request at no cost.

*Before* taking your medicine, be sure you know: the name of the medicine and what it does; how and when to take it, for how long, and what to do if you miss a dose; possible side effects and what you should do if they occur; whether the new medicine will work safely with other medicines or supplements; and what foods, drinks, or activities should be avoided while taking the medicine. Ask the pharmacist if you have any questions.

*This* pharmacy must provide any medicine or device legally prescribed for you, unless it is not covered by your insurance; you are unable to pay the cost of a copayment; or the pharmacist determines doing so would be against the law or potentially harmful to health. If a medicine or device is not immediately available, the pharmacy will work with you to help you get your medicine or device in a timely manner.

*You* may ask this pharmacy for information on drug pricing and of generic drugs.

(c) Every pharmacy, in a place conspicuous to and readable by a prescription drug consumer, at or adjacent to each counter in the pharmacy where dangerous drugs are dispensed or furnished, shall post or provide a notice containing the following text:

*Point to your language.* Interpreter services will be provided to you upon request at no cost.

This text shall be repeated in at least the following languages: Arabic, Armenian, Cambodian, Cantonese, Farsi, Hmong, Korean, Mandarin, Russian, Spanish, Tagalog, and Vietnamese.

Each pharmacy shall use the standardized notice provided or made available by the board, unless the pharmacy has received prior approval of another format or display methodology from the board. The board may delegate authority to a committee or to the Executive Officer to give the approval.

The pharmacy may post this notice in paper form or on a video screen if the posted notice or video screen is positioned so that a consumer can easily point to and touch the statement identifying the language in which he or she requests assistance.

Otherwise, the notice shall be made available on a flyer or handout clearly visible from and kept within easy reach of each counter in the pharmacy where dangerous drugs are dispensed or furnished, available at all hours that the pharmacy is open. The flyer or handout shall be at least 8 1/2 inches by 11 inches.

Note: Authority cited: Sections 4005 and 4122, Business and Professions Code.  
Reference: Sections 733, 4005, 4076.5 and 4122, Business and Professions Code.

## Proposed Wording for Notice to Consumers Poster – Option 1

### KNOW YOUR RIGHTS (headline)

- **California law requires a pharmacist to speak with you:**
  - Upon your request.
  - Every time you get a new prescription.
  - Every time you get a new prescription dosage form, strength, or written directions.
- **Interpreter services are available to you upon request at no cost.** Scan barcode for more information:

#### **Before you leave the pharmacy, CHECK:**

- The patient name on the label is correct.
- The medication matches the description on the label.
- The name of the medication and what it does.
- How and when to take the medication, for how long, and what to do if you miss a dose.
- Possible side effects and what to do if they occur.
- Whether the medication will work safely with other medicines or supplements.
- What foods, drinks, or activities you should avoid while taking the medication.

#### **Got a complaint? Contact:**

California State Board of Pharmacy  
2720 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833  
(916) 518-3100  
[www.pharmacy.ca.gov](http://www.pharmacy.ca.gov).

## Proposed Wording for Notice to Consumers Poster – Option 2

### KNOW YOUR RIGHTS (headline)

- **California law requires a pharmacist to speak with you:**
  - Upon your request.
  - Every time you get a new prescription.
  - Every time you get a new prescription dosage form, strength, or written directions.
- **Interpreter services are available to you upon request at no cost.** Scan barcode for more information:

#### **Before you leave the pharmacy, CHECK:**

- The patient name on the label is correct.
- The medication matches the description on the label.
- The name of the medication and what it does.
- How and when to take the medication, for how long, and what to do if you miss a dose.
- Possible side effects and what to do if they occur.
- Whether the medication will work safely with other medicines or supplements.
- What foods, drinks, or activities you should avoid while taking the medication.

**You may ask this pharmacy for information about drug prices and use of generic drugs.** (BPC 4122)

**If a medicine or device is not immediately available, the pharmacy will work to help you get it in a timely manner.** (BPC 4122/733)

**This pharmacy must provide any medicine or device legally prescribed for you unless:** (BPC 4122/733)

- It is not covered by your insurance.
- You are unable to pay the cost or copayment.
- The pharmacist determines doing so would be against the law or potentially harmful to health.

#### **Got a complaint? Contact:**

California State Board of Pharmacy  
2720 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833  
(916) 518-3100  
[www.pharmacy.ca.gov](http://www.pharmacy.ca.gov).

# **Attachment 2**

## **News Media Inquiries**

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Board staff responded to the following news media inquiries:

- December 3, 2020: Andie Judson, ABC 10 Sacramento, regarding licensing of freezers used to store COVID-19 vaccines.
- January 13, 2021: Shoshana Walter, Reveal, regarding complaints received related to shortages of buprenorphine and buprenorphine-related products.
- January 25: Adiel Kaplan, NBC News, regarding laws and regulations related to staffing of community pharmacies.
- February 15: Adiel Kaplan, NBC News, related to laws regarding lunch breaks and shift lengths for community pharmacists.