

ASSEMBLY BILL

No. 1589

Introduced by Assembly Member Simitian

February 23, 2001

An act to add Section 2028 to the Business and Professions Code, relating to the healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1589, as introduced, Simitian. Healing arts: electronic transmission prescriptions.

Existing law, the Medical Practice Act, creates the Medical Board of California and requires it to perform various duties relating to the practices of physicians and surgeons and other healing arts practitioners.

This bill would require the board to study the electronic transmission of prescriptions by physicians and surgeons and report its results to the Legislature before May 1, 2002. The bill would specify that the board's report include recommendations to encourage physicians and surgeons to use this method to transmit prescriptions and identify systems to protect patients, including the issuance of a digital certification, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds, based upon a report
- 2 entitled "To Err is Human, Building a Safer Health System," a
- 3 report issued in 1999 by the Institute of Medicine, that in 1993,

1 approximately 7,000 deaths occurred in the United States as a
2 result of medication errors.

3 (b) The Legislature further finds, based on information from
4 the Institute for Safe Medicine Practices, the following:

5 (1) Of the three billion prescriptions issued each year in the
6 United States, nearly all of them are handwritten by the physician
7 and surgeon issuing the prescription.

8 (2) Illegible prescriptions result in more than 150 million
9 inquiries each year by pharmacists for clarification from the
10 physician and surgeon who issued the prescription.

11 (3) While the technology exists for the electronic transmission
12 of prescriptions, less than 5 percent of physicians and surgeons use
13 this technology to prescribe medication.

14 SEC. 2. Section 2028 is added to the Business and Professions
15 Code, to read:

16 2028. The Medical Board of California shall conduct a study
17 and report its results to the Legislature before May 1, 2002, on the
18 electronic transmission of prescriptions by physicians and
19 surgeons. This report shall include recommendations for methods
20 to encourage physicians and surgeons to issue prescriptions by
21 electronic transmission and identification of systems to protect
22 patients for whom prescriptions are issued using that process,
23 including, but not limited to, the issuance of digital certification to
24 physicians and surgeons to use when transmitting prescriptions
25 electronically. "Digital certification" is an electronic signature
26 verifying the identity of the physician and surgeon who is
27 transmitting the prescription electronically.

