

**Assembly Bill No. 1589**

CHAPTER 464

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

[Approved by Governor October 2, 2001. Filed with Secretary of State October 3, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1589, Simitian. Healing arts: electronic transmission of 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 consult with the California State Board of Pharmacy and commission a study that evaluates the electronic transmission of prescriptions by physicians and surgeons and report its results to the Legislature on or before January 1, 2003. The bill would specify that the board's report include recommendations on whether the electronic transmission of prescriptions should be encouraged, methods to encourage physicians and surgeons and other specified persons to use this method to transmit prescriptions, and to identify systems to protect the privacy of patients, including the issuance of a digital certification, as defined.

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

SECTION 1. (a) The Legislature finds, based upon a report entitled "To Err is Human, Building a Safer Health System," a report issued in 1999 by the Institute of Medicine, that in 1993, approximately 7,000 deaths occurred in the United States as a result of medication errors.

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

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

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



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

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

2028. (a) The Medical Board of California shall consult with the California State Board of Pharmacy and commission a study and report its results to the Legislature on or before January 1, 2003, on the electronic transmission of prescriptions by physicians and surgeons.

(b) This report shall include recommendations on the following matters:

(1) Whether the electronic transmission of prescriptions should be encouraged.

(2) Methods to encourage physicians and surgeons, health care providers specified in subdivision (a) of Section 4024, and persons licensed to prescribe in another state who meet the requirements described in subdivision (b) of Section 4005 to issue prescriptions by electronic transmission.

(3) Identification of systems to protect confidential personal and medical information of patients for whom prescriptions are issued using electronic transmission, including, but not limited to, the issuance of digital certification to physicians and surgeons, health care providers specified in subdivision (a) of Section 4024, and persons licensed to prescribe in another state who meet the requirements described in subdivision (b) of Section 4005 to use when transmitting prescriptions electronically.“

(c) Digital certification” is an electronic signature verifying the identity of the physician and surgeon, health care provider specified in subdivision (a) of Section 4024, or person licensed to prescribe in another state who meets the requirements described in subdivision (b) of Section 4005 who is transmitting the prescription electronically.

