

AMENDED IN SENATE MAY 27, 2009

AMENDED IN ASSEMBLY APRIL 22, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 718**

---

---

**Introduced by Assembly Member Emmerson**

February 26, 2009

---

---

*An act to add and repeal Section 4071.2 of the Business and Professions Code, relating to healing arts.*

LEGISLATIVE COUNSEL'S DIGEST

AB 718, as amended, Emmerson. Inland Empire Health Plan E-Prescribing Pilot Program.

The Pharmacy Law regulates, among other matters, the dispensing by prescription of dangerous devices and dangerous drugs, which include controlled substances. Existing law authorizes the electronic transmission of prescriptions under specified circumstances.

This bill ~~would state the intent of the Legislature to enact legislation that would, until January 1, 2013, create the Inland Empire Health Plan E-Prescribing Pilot Program, which and would require the program to promote health care quality and the exchange of health care information; and to include specified components, and be administered by components. The bill would require the Inland Empire Health Plan, a joint powers agency, to select an entity with specified certification and at least 5 years of e-prescribing experience under the Medi-Cal program another state's Medicaid program to administer the program and would require this entity to submit a report to the Legislature, by January 1, 2012, regarding the results of the program and whether the program~~

should be extended. By imposing a new requirement on a joint powers agency, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 4071.2 is added to the Business and
- 2 Professions Code, to read:
- 3 4071.2. (a) The Inland Empire Health Plan E-Prescribing
- 4 Pilot Program is hereby created. For purposes of this section,
- 5 “program” means the Inland Empire Health Plan E-Prescribing
- 6 Pilot Program.
- 7 (b) The program shall be administered by an entity, selected by
- 8 the Inland Empire Health Plan, with certification from the
- 9 Certification Commission for Healthcare Information Technology
- 10 and a minimum of five years of e-prescribing experience under
- 11 another state’s Medicaid program.
- 12 (c) The program shall promote health care quality and the
- 13 exchange of health care information consistent with applicable
- 14 law and shall include all of the following components:
- 15 (1) Integrated clinical decision support alerts for allergies,
- 16 drug-drug interactions, duplications in therapy, and elderly alerts.
- 17 (2) Current payer formulary information.
- 18 (3) Appropriate alternatives, when needed, to support
- 19 cost-effective prescribing at the point of care.
- 20 (4) Drug compendia approved by the Centers for Medicare and
- 21 Medicaid Services.
- 22 (5) Electronic transmission of prescriptions consistent with
- 23 applicable state and federal law.

1 (d) *The entity administering the program shall, on or before*  
2 *January 1, 2012, submit a report to the Legislature on the results*  
3 *of the program and whether the program should be extended.*

4 (e) *Notwithstanding Section 4321, a violation of this section*  
5 *shall not be a crime.*

6 (f) *This section shall remain in effect only until January 1, 2013,*  
7 *and as of that date is repealed, unless a later enacted statute, that*  
8 *is enacted before January 1, 2013, deletes or extends that date.*

9 *SEC. 2. If the Commission on State Mandates determines that*  
10 *this act contains costs mandated by the state, reimbursement to*  
11 *local agencies and school districts for those costs shall be made*  
12 *pursuant to Part 7 (commencing with Section 17500) of Division*  
13 *4 of Title 2 of the Government Code.*

14 ~~SECTION 1. It is the intent of the Legislature to enact~~  
15 ~~legislation that would create the Inland Empire Health Plan~~  
16 ~~E-Prescribing Pilot Program, which would meet all of the following~~  
17 ~~requirements:~~

18 ~~(a) Be administered by an entity with certification from the~~  
19 ~~Certification Commission for Health Information Technology and~~  
20 ~~a minimum of five years of e-prescribing experience under the~~  
21 ~~Medi-Cal program:~~

22 ~~(b) Promote health care quality and the exchange of health care~~  
23 ~~information:~~

24 ~~(c) Include all of the following components:~~

25 ~~(1) Integrated clinical decision support alerts for allergies,~~  
26 ~~drug-drug interactions, duplications in therapy, and elderly alerts:~~

27 ~~(2) Current payer formulary information:~~

28 ~~(3) Appropriate alternatives, when needed, to support~~  
29 ~~cost-effective prescribing at the point of care:~~

30 ~~(4) Drug compendia approved by the Center for Medicare and~~  
31 ~~Medicaid Services:~~

32 ~~(5) Electronic transmission of prescriptions:~~