

ASSEMBLY BILL

No. 788

Introduced by Assembly Member Chu

February 25, 2015

An act to amend Section 4070 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 788, as introduced, Chu. Pharmacy.

Existing law, the Pharmacy Law, requires an oral or an electronic data transmission prescription to be reduced to writing by the pharmacist and to be filled by, or under the direction of, the pharmacist. Under existing law, the pharmacist does not need to reduce to writing the address, telephone number, license classification, federal registry number of the prescriber or the address of the patient or patients if the information is readily retrievable in the pharmacy.

This bill would make nonsubstantive changes to those provisions.

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

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

- 1 SECTION 1. Section 4070 of the Business and Professions
- 2 Code is amended to read:
- 3 4070. (a) Except as provided in Section 4019 and subdivision
- 4 (b), an oral or an electronic data transmission prescription as
- 5 defined in subdivision (c) of Section 4040 shall, as soon as
- 6 practicable, be reduced to writing by the pharmacist and shall be
- 7 filled by, or under the direction of, the pharmacist. The pharmacist

1 *does not* need ~~not~~ to reduce to writing the address, telephone
2 number, license classification, federal registry number of the
3 prescriber or the address of the patient or patients if the information
4 is readily retrievable in the pharmacy.

5 (b) A pharmacy receiving an electronic transmission prescription
6 shall not be required to reduce that prescription to writing or to
7 hard copy form if, for three years from the last date of furnishing
8 pursuant to that prescription or order, the pharmacy is able, upon
9 request by the board, to immediately produce a hard copy report
10 that includes for each date of dispensing of a dangerous drug or
11 dangerous device pursuant to that prescription or order: (1) all of
12 the information described in subparagraphs (A) to (E), inclusive,
13 of paragraph (1) of subdivision (a) of Section 4040, and (2) the
14 name or identifier of the pharmacist who dispensed the dangerous
15 drug or dangerous device. This subdivision shall not apply to
16 prescriptions for controlled substances classified in Schedule II,
17 III, IV, or V, except as permitted pursuant to Section 11164.5 of
18 the Health and Safety Code.

19 (c) If only recorded and stored electronically, on magnetic
20 media, or in any other computerized form, the pharmacy's
21 computer system shall not permit the received information or the
22 dangerous drug or dangerous device dispensing information
23 required by this section to be changed, obliterated, destroyed, or
24 disposed of, for the record maintenance period required by law
25 once the information has been received by the pharmacy and once
26 the dangerous drug or dangerous device has been dispensed. Once
27 a dangerous drug or dangerous device has been dispensed, if the
28 previously created record is determined to be incorrect, a correcting
29 addition may be made only by or with the approval of a pharmacist.
30 After a pharmacist enters the change or enters his or her approval
31 of the change into the computer, the resulting record shall include
32 the correcting addition and the date it was made to the record, the
33 identity of the person or pharmacist making the correction, and
34 the identity of the pharmacist approving the correction.

35 (d) Nothing in this section shall impair the requirement to have
36 an electronically transmitted prescription transmitted only to the
37 pharmacy of the patient's choice or to have a written prescription.

- 1 This requirement shall not apply to orders for medications to be
- 2 administered in an acute care hospital.

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