

AMENDED IN ASSEMBLY MAY 11, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1063

Introduced by Assembly Member Aanestad

February 25, 1999

An act to amend ~~Section 3502.1~~ *Sections 3502.1 and 4174* of the Business and Professions Code, relating to ~~physician assistants~~ *prescriptions*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1063, as amended, Aanestad. Physician assistants: drugs.

Existing law, the Physician Assistant Practice Act, provides that a physician assistant may, while under the supervision of a licensed physician and surgeon or physicians and surgeons approved by the board, administer or provide medication to a patient, or transmit orally, or in writing on a patient's record or in a transmittal order, a prescription from his or her supervising physician and surgeon to a person who may lawfully furnish the medication or medical device, as specified.

This bill would make a technical, nonsubstantive change to this provision.

Existing law provides that a pharmacist may dispense drugs or devices upon the order of a nurse practitioner, a certified nurse midwife, a transmittal order of a physician assistant, or the order of a pharmacist, as specified.

The bill would provide that an order of a nurse practitioner or a transmittal order of a physician assistant constitutes a prescription and would deem the signature of a nurse practitioner or physician assistant the signature of the prescriber, as specified. The bill would require a nurse practitioner or physician assistant who issues an order for a controlled substance to register with the federal Drug Enforcement Administration.

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

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

1 SECTION 1. Section 3502.1 of the Business and
2 Professions Code is amended to read:
3 3502.1. (a) In addition to the services authorized in
4 the regulations adopted by the board, and except as
5 prohibited by Section 3502, while under the supervision
6 of a licensed physician and surgeon or physicians and
7 surgeons approved by the board, a physician assistant
8 may administer or provide medication to a patient, or
9 transmit orally, or in writing on a patient’s record or in a
10 transmittal order, a prescription from the supervising
11 physician and surgeon to a person who may lawfully
12 furnish the medication or medical device pursuant to
13 subdivisions (b) and (c).
14 (1) A supervising physician and surgeon who
15 delegates prescription transmittal authority to a
16 physician assistant may limit this authority by specifying
17 the manner in which the physician assistant may transmit
18 prescriptions.
19 (2) Each supervising physician and surgeon who
20 delegates prescription transmittal authority shall first
21 prepare and adopt, or adopt, a written, practice specific,
22 formulary and protocols that specify all criteria for the use
23 of a particular drug or device, and any contraindications
24 for the selection. The drugs listed shall constitute the
25 formulary and shall include only drugs that are
26 appropriate for use in the type of practice engaged in by
27 the supervising physician and surgeon. When



1 transmitting an order, the physician assistant is acting on
2 behalf of and as an agent for a supervising physician and
3 surgeon.

4 (b) The supervising physician and surgeon's
5 prescription for any patient cared for by the physician
6 assistant that is transmitted by the physician assistant shall
7 be based on either an order given by a supervising
8 physician and surgeon for a particular patient, or on the
9 protocols described in subdivision (a).

10 (1) A physician assistant shall not administer or
11 provide a drug or transmit a prescription for a drug other
12 than for a drug listed in the formulary without an order
13 from a supervising physician and surgeon for the
14 particular patient. At the direction and under the
15 supervision of a physician and surgeon, a physician
16 assistant may hand to a patient of the supervising
17 physician and surgeon a properly labeled prescription
18 drug prepackaged by a physician and surgeon,
19 manufacturer as defined in the Pharmacy Law, or a
20 pharmacist.

21 (2) A physician assistant may not administer, provide
22 or transmit a prescription for Schedule II through
23 Schedule V controlled substances without an order by a
24 supervising physician and surgeon for the particular
25 patient.

26 (3) Any prescription transmitted by a physician
27 assistant shall be subject to a reasonable quantitative
28 limitation consistent with customary medical practice in
29 the supervising physician and surgeon's practice.

30 (c) A transmittal order issued pursuant to subdivision
31 (a) shall contain the printed name, address, and phone
32 number of the supervising physician and surgeon, the
33 printed or stamped name and license number of the
34 physician assistant, and the signature of the physician
35 assistant. The requirements of this subdivision may be
36 met through stamping or otherwise imprinting on the
37 supervising physician and surgeon's prescription blank to
38 show the name and license number of the physician
39 assistant, and shall be signed by the physician assistant.
40 When transmitting an order, the physician assistant is



1 acting on behalf of and as an agent for a supervising
2 physician and surgeon.

3 (d) The medical record of any patient cared for by a
4 physician assistant for whom the supervising physician
5 and surgeon's prescription has been transmitted or
6 carried out shall be reviewed and countersigned and
7 dated by a supervising physician and surgeon within
8 seven days.

9 *SEC. 2. Section 4174 of the Business and Professions*
10 *Code is amended to read:*

11 4174. Notwithstanding any other provision of law, a
12 pharmacist may dispense drugs or devices upon the order
13 of a nurse practitioner functioning pursuant to Section
14 2836.1 or a certified nurse midwife functioning pursuant
15 to Section 2746.51, a transmittal order of a physician
16 assistant functioning pursuant to Section 3502.1, or the
17 order of a pharmacist acting under Section 4052. *An order*
18 *of a nurse practitioner or a transmittal order of a*
19 *physician assistant shall constitute a prescription, and the*
20 *signature of the nurse practitioner or physician assistant*
21 *shall be deemed to be the signature of the prescriber. A*
22 *nurse practitioner or physician assistant who issues an*
23 *order for a controlled substance as defined in Section*
24 *11007 of the Health and Safety Code shall register with*
25 *the Drug Enforcement Administration of the United*
26 *States Department of Justice, or its successor agency.*

