

Senate Bill No. 1339

CHAPTER 677

An act to add Section 4125 to the Business and Professions Code, relating to pharmacies.

[Approved by Governor September 24, 2000. Filed with Secretary of State September 26, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1339, Figueroa. Pharmacy: quality assurance program.

The Pharmacy Law provides for the licensing and regulation of the practice of pharmacy under the jurisdiction of the California State Board of Pharmacy.

This bill, on and after January 1, 2002, would require every pharmacy to establish a quality assurance program that, at a minimum, documents medication errors attributable, in whole or in part, to that pharmacy or its personnel, as specified. This bill would provide that records generated and maintained for the quality assurance program are not subject to discovery in arbitration, civil actions, or other proceedings, except as specified. This bill would further provide that its provisions shall not prohibit a patient from accessing the patient's own prescription records.

Existing law generally makes it a misdemeanor to knowingly violate the Pharmacy Law. All other violations of that law are infractions unless otherwise indicated.

Because a violation of the bill's requirements regarding a quality assurance program would be a crime, the bill would impose a state-mandated local program by creating a new crime.

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 no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 4125 is added to the Business and Professions Code, to read:

4125. (a) Every pharmacy shall establish a quality assurance program that shall, at a minimum, document medication errors attributable, in whole or in part, to the pharmacy or its personnel. The purpose of the quality assurance program shall be to assess errors that occur in the pharmacy in dispensing or furnishing prescription



medications so that the pharmacy may take appropriate action to prevent a recurrence.

(b) Records generated for and maintained as a component of a pharmacy's ongoing quality assurance program shall be considered peer review documents and not subject to discovery in any arbitration, civil, or other proceeding, except as provided hereafter. That privilege shall not prevent review of a pharmacy's quality assurance program and records maintained as part of that system by the board as necessary to protect the public health and safety or if fraud is alleged by a government agency with jurisdiction over the pharmacy. Nothing in this section shall be construed to prohibit a patient from accessing his or her own prescription records. Nothing in this section shall affect the discoverability of any records not solely generated for and maintained as a component of a pharmacy's ongoing quality assurance program.

(c) This section shall become operative on January 1, 2002.

SEC. 2. The California State Board of Pharmacy shall adopt regulations on or before September 1, 2001, specifying the requirements and implementation of quality assurance programs established pursuant to Section 4125 of the Business and Professions Code.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

