

Introduced by Senator Speier

February 24, 2000

An act to add Section 1157.8 to the Evidence Code, and to add Chapter 2.05 (commencing with Section 1339.63) to Division 2 of the Health and Safety Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1875, as introduced, Speier. Health facilities and clinics: medication-related errors.

Existing law generally regulates the licensure of health facilities and clinics, as defined, and prescribes the duties of the State Department of Health Services in this regard. Under existing law, any person who violates provisions regulating clinic health facilities, or who willfully or repeatedly violates any rule or regulation adopted thereunder is guilty of a misdemeanor. Existing law also provides that the proceedings and records of medical peer review committees are not subject to discovery.

This bill would require the department, on or before January 1, 2003, to create a central reporting database to receive and analyze information relating to the occurrence of medication-related errors in specified types of facilities. The bill would make it a condition of licensure that these facilities implement technology to eliminate or minimize medication-related errors in the facility, on or before January 1, 2003. The bill would require the facilities to report all medication-related errors to the central reporting database maintained by the department. The bill would provide that data regarding health facility medication errors, collected by

the department pursuant to the provisions of the bill is not subject to discovery.

By creating a new crime, 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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 1157.8 is added to the Evidence
2 Code, to read:

3 1157.8. The data regarding health facility
4 medication-related errors, collected by the department
5 pursuant to Chapter 2.05 (commencing with Section
6 1339.63) of Division 2 of the Health and Safety Code, shall
7 not be subject to discovery.

8 SEC. 2. Chapter 2.05 (commencing with Section
9 1339.63) is added to Division 2 of the Health and Safety
10 Code, to read:

11
12 CHAPTER 2.05. MINIMIZATION OF MEDICATION-RELATED
13 ERRORS
14

15 1339.63. (a) On or before January 1, 2003, the State
16 Department of Health Services shall create a central
17 reporting database to receive and analyze information
18 relating to the occurrence of medication-related errors in
19 the following types of facilities:

- 20 (1) General acute care hospitals.
- 21 (2) Ambulatory surgery centers.
- 22 (3) Ambulatory care centers.
- 23 (4) Urgent care facilities.
- 24 (5) Skilled nursing facilities.



1 (b) The department shall share the results of its
2 analysis of the information received pursuant to
3 subdivision (a) with the reporting facilities.

4 1339.64. (a) As a condition of licensure under this
5 division, every general acute care hospital, ambulatory
6 surgery center, ambulatory care center, urgent care
7 facility, and skilled nursing facility shall implement
8 technology to eliminate or minimize medication-related
9 errors in the facility, on or before January 1, 2003.

10 (b) All medication-related errors occurring in a
11 facility identified in subdivision (a) shall be reported to
12 the central reporting database maintained by the
13 department pursuant to Section 1339.63.

14 SEC. 3. No reimbursement is required by this act
15 pursuant to Section 6 of Article XIII B of the California
16 Constitution because the only costs that may be incurred
17 by a local agency or school district will be incurred
18 because this act creates a new crime or infraction,
19 eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section
21 17556 of the Government Code, or changes the definition
22 of a crime within the meaning of Section 6 of Article
23 XIII B of the California Constitution.

