

AMENDED IN SENATE JULY 16, 2001

AMENDED IN ASSEMBLY APRIL 30, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1589

Introduced by Assembly Member Simitian

February 23, 2001

An act to add Section 2028 to the Business and Professions Code, relating to the healing arts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1589, as amended, Simitian. Healing arts: electronic transmission prescriptions.

Existing law, the Medical Practice Act, creates the Medical Board of California and requires it to perform various duties relating to the practices of physicians and surgeons and other healing arts practitioners.

This bill would require the board to consult with the California State Board of Pharmacy and commission a study that evaluates the electronic transmission of prescriptions by physicians and surgeons and report its results to the Legislature on or before January 1, 2003. The bill would specify that the board's report include recommendations to encourage physicians and surgeons *and other specified health care providers* to use this method to transmit prescriptions and identify systems to protect patients, including the issuance of a digital certification, as defined.

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

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

1 SECTION 1. (a) The Legislature finds, based upon a report
2 entitled “To Err is Human, Building a Safer Health System,” a
3 report issued in 1999 by the Institute of Medicine, that in 1993,
4 approximately 7,000 deaths occurred in the United States as a
5 result of medication errors.

6 (b) The Legislature further finds, based on information from
7 the Institute for Safe Medicine Practices, the following:

8 (1) Of the three billion prescriptions issued each year in the
9 United States, nearly all of them are handwritten by the physician
10 and surgeon issuing the prescription.

11 (2) Illegible prescriptions result in more than 150 million
12 inquiries each year by pharmacists for clarification from the
13 physician and surgeon who issued the prescription.

14 (3) While the technology exists for the electronic transmission
15 of prescriptions, less than 5 percent of physicians and surgeons use
16 this technology to prescribe medication.

17 SEC. 2. Section 2028 is added to the Business and Professions
18 Code, to read:

19 2028. The Medical Board of California shall consult with the
20 California State Board of Pharmacy and commission a study and
21 report its results to the Legislature on or before January 1, 2003,
22 on the electronic transmission of prescriptions by physicians and
23 surgeons. This report shall include recommendations for methods
24 to encourage physicians and surgeons *and health care providers*
25 *specified in subdivision (a) of Section 4024* to issue prescriptions
26 by electronic transmission and identification of systems to protect
27 patients for whom prescriptions are issued using that process,
28 including, but not limited to, the issuance of digital certification to
29 physicians and surgeons *and health care providers specified in*
30 *subdivision (a) of Section 4024* to use when transmitting
31 prescriptions electronically. “Digital certification” is an
32 electronic signature verifying the identity of the physician and
33 surgeon *or health care provider specified in subdivision (a) of*
34 *Section 4024* who is transmitting the prescription electronically.

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