

AMENDED IN ASSEMBLY MAY 28, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 141

Introduced by Assembly Member Knox

January 11, 1999

An act to add and repeal Section 4013 of the Business and Professions Code, relating to pharmacies, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 141, as amended, Knox. Pharmacies.

Existing law provides for the California State Board of Pharmacy to regulate and enforce laws regarding the practice of pharmacy, as specified. Existing law also provides for the continuous appropriation of moneys in the Pharmacy Board Contingent Fund for the purposes of the board.

This bill would require the board to conduct a study regarding the incidence of medication errors in pharmacies, as specified, and to report these findings to the Legislature on or before December 1, 2002. *The bill would provide that information collected and produced in the course of the study be used for research purposes only and disclosed solely for determining the validity and propriety of the study. The bill would require the identity of individual pharmacists and pharmacies to remain confidential, as specified, and would prohibit any information, records, or reports received or generated in connection with the study from being used for disciplinary purposes, as specified, or from being subject to*

discovery in connection with any administrative, civil, or criminal investigation or proceeding. The bill would make an appropriation by expanding the purposes for the expenditure of funds from the Pharmacy Board Contingent Fund,—and provides but would limit the expenditure from the fund for the study and expenses in connection therewith to \$600,000 and would require the board to reimburse the Pharmacy Board Contingent Fund in an amount equal to any private funding received for these purposes.

The bill would provide for the repeal of these provisions as of January 1, 2003, unless a later enacted statute deletes or extends that date.

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

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

1 SECTION 1. Section 4013 is added to the Business and
2 Professions Code, to read:
3 4013. (a) The board shall conduct a study of the
4 incidence of medication errors in pharmacies in
5 California. The study shall employ a methodology that
6 uses “test” prescriptions distributed to a statistically
7 significant cross section of pharmacies in the state. ~~In~~
8 ~~designing the study, the board shall confer with the~~
9 ~~scientific and academic community to ensure that the~~
10 *The board shall ensure that the study is based on sound*
11 *scientific and analytic principles.*
12 The board shall issue a report of its findings from the
13 study to the Legislature on or before December 1, 2002.
14 (b) The purpose of the study described in subdivision
15 (a) is to measure the frequency and describe the type of
16 medication errors occurring in California pharmacies and
17 to improve patient safety, and identify broader issues that
18 may become the basis for instituting professionwide
19 standards and changes.
20 (c) The board shall have the authority to contract with
21 outside entities to *design the study*, collect and analyze
22 ~~data necessary for the study results, and disseminate~~
23 *findings.*



1 (d) “Test” prescription, as used in this section, refers
2 to a prescription that is prepared solely for the purposes
3 set out in this section and issued only according to
4 standards established for the study conducted pursuant to
5 this section, and not for the actual medical needs of a
6 patient. All prescription containers, including all drugs,
7 obtained through such a prescription shall be forwarded
8 to the board, or its designee immediately after
9 examination for purposes of the study conducted
10 pursuant to this section and shall thereafter remain under
11 the board’s custody and in its possession until destroyed.

12 (e) *The information collected and produced in the*
13 *course of the study shall be used for research purposes*
14 *only and shall be disclosed for the sole purpose of*
15 *determining the validity and propriety of the study. The*
16 *identity of individual pharmacists and pharmacies shall*
17 *remain confidential and shall not be disclosed to any*
18 *person or private, public, or other governmental entity.*
19 *No information derived from the study shall be used for*
20 *disciplinary purposes by the board or any other*
21 *government agency. The information, records, and*
22 *reports received or generated in connection with the*
23 *study shall not be subject to disclosure or discovery in*
24 *connection with any administrative, civil or criminal*
25 *investigation or proceeding.*

26 (f) *Up to six hundred thousand dollars (\$600,000) may*
27 *be expended from the Pharmacy Board Contingent Fund*
28 *by the California State Board of Pharmacy for the*
29 *purpose of conducting the study required by this section*
30 *and meeting the State Board of Pharmacy’s expenses in*
31 *regard therewith. The board shall reimburse the*
32 *Pharmacy Board Contingent Fund in an amount equal to*
33 *any private funding obtained by the board for these*
34 *purposes.*

35 (g) This section shall cease to be operative on January
36 1, 2003, and on that date is repealed, unless a later enacted
37 statute that is enacted on or before that date deletes or
38 extends that date.

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