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AB-1557 Pharmacy: electronic prescriptions. (2023-2024)

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Date Published: 09/01/2023 09:00 PM

Assembly Bill No. 1557

CHAPTER 141

An act to amend Section 4071.1 of the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 01, 2023. Filed with Secretary of State September 01, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1557, Flora. Pharmacy: electronic prescriptions.

Existing law, the Pharmacy Law, establishes in the Department of Consumer Affairs the California State Board of Pharmacy to license and regulate the practice of pharmacy. The Pharmacy Law authorizes a prescriber or a prescriber's authorized agent to electronically enter a prescription into a pharmacy's or hospital's computer from a location outside of the pharmacy or hospital. The Pharmacy Law makes those provisions inapplicable to prescriptions for controlled substances classified in Schedule II, III, IV, or V, except as permitted pursuant to specified provisions. That law generally punishes a knowing violation of its provisions as a misdemeanor.

This bill would delete the provision making the authorization to electronically enter a prescription inapplicable to controlled substances. The bill would also authorize a pharmacist located and licensed in the state to, on behalf of a licensed health care facility, from a location outside of the facility, verify medication chart orders for appropriateness before administration consistent with federal requirements, as established in the health care facility's policies and procedures. The bill would require a health care facility to maintain a record of a pharmacist's verification of a medication chart order pursuant to that provision, as specified. By expanding the scope of the crime of violating the Pharmacy Law, this 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.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4071.1 of the Business and Professions Code is amended to read:

4071.1. (a) A prescriber, a prescriber's authorized agent, or a pharmacist may electronically enter a prescription or an order, as defined in Section 4019, into a pharmacy's or hospital's computer from any location outside of the pharmacy or hospital with the

permission of the pharmacy or hospital. For purposes of this section, a "prescriber's authorized agent" is a person licensed or registered under Division 2 (commencing with Section 500).

(b) This section does not reduce the existing authority of other hospital personnel to enter medication orders or prescription orders into a hospital's computer.

(c) A dangerous drug or dangerous device shall not be dispensed pursuant to a prescription that has been electronically entered into a pharmacy's computer without the prior approval of a pharmacist.

(d) (1) A pharmacist located and licensed in the state may, on behalf of a health care facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code, from a location outside of the facility, verify medication chart orders for appropriateness before administration consistent with federal requirements, as established in the health care facility's policies and procedures.

(2) (A) A health care facility shall maintain a record of a pharmacist's verification of medication chart orders pursuant to this subdivision.

(B) A record maintained pursuant to subparagraph (A) shall meet the same requirements as those described in Sections 4081 and 4105.

SEC. 2. 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.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

The waiver that currently allows for remote processing expires on August 9, 2023. It is necessary that this act take effect immediately to ensure that hospitals can continue to remotely process prescriptions.