

PAC UPDATE

PUBLISHED BY THE CALIFORNIA PHYSICIAN ASSISTANT COMMITTEE



Legislative Changes to Business and Professions Code section 3502.1 Regarding Drug Orders by Physician Assistants

AB 2626 (Plescia, Chapter 452, Statutes of 2004), effective January 1, 2005, amends Business and Professions Code Section 3502.1 (e) to read:

“(e) The medical record of any patient cared for by a physician assistant for whom the supervising physician and surgeon's Schedule II drug order has been issued or carried out shall be reviewed and countersigned and dated by a supervising physician and surgeon within seven days.”

What does this change mean?

With this amendment, a supervising physician is required to countersign the medical record of a patient where a physician assistant has issued a drug order for a Schedule II medication within seven days. Prior to this amendment, a supervising physician was required to countersign the medical record of a patient where a physician assistant issued any drug order within seven days.

However, the following requirements remain in place:

- Each supervising physician and surgeon who delegates the authority to issue a drug order to a physician assistant shall first prepare and adopt, or adopt, a written, practice specific, formulary and protocols that specify all criteria for the use of a particular drug or device and any contraindications for the selection. The drugs listed shall constitute the formulary and shall include only drugs that are appropriate for use in the type of practice engaged in by the supervising physician and surgeon. When issuing a drug order, the physician assistant is acting on behalf of and as an agent for a supervising physician and surgeon.
- Patient specific, advance approval for drug orders (including refills) of Schedule II-V medications is required.
- If protocols and guidelines are not in place, chart review and countersignature by the supervising physician of all patient medical records within 30 days is required.
- If protocols and guidelines are in place, chart review and countersignature of at least a 10% sample of patient medical records within 30 days is required.

A supervising physician may choose to adopt a more restrictive countersignature regimen if he or she determines that it may be more appropriate to the practice setting and the experience of the physician assistant.

The Physician Assistant Laws and Regulations are available on the Physician Assistant Committee website at www.physicianassistant.ca.gov.

If you have any questions, contact the Physician Assistant Committee staff at (916) 561-8780.

Note: This document does not purport to be an exhaustive analysis of laws relating to drug orders. This is not a declaratory opinion of the Physician Assistant Committee (PAC).

Preparing for Major Changes to Prescribing Laws

Due to recent changes in the law (SB 151, Chapter 406), California's longstanding requirement for state-issued triplicate prescription forms for Schedule II controlled substances was repealed.

In place of the triplicate, prescribers will use a tamper-resistant prescription pad available from private printing companies that have been approved by the Board of Pharmacy and the Department of Justice (DOJ).

This is a reminder that effective January 1, 2005:

- Triplicate prescriptions are no longer valid.
- All **written** controlled substance prescriptions must be on controlled substance prescription forms. (Note: Oral and fax orders for Schedules III-V are still permitted.)
- Prescribers dispensing Schedule III controlled substances must report those prescriptions to the Department of Justice. (Effective July 1, 2004, prescribers were required to report Schedule II controlled substances prescriptions to DOJ.)

The board has been advised that the state exhausted its supply of triplicate prescription forms earlier than anticipated.

Physicians who run out of triplicates will be able to use an "emergency-fill" exemption to write prescriptions for controlled substances.

The Department of Justice recommends that affected physicians invoke the emergency prescription statute (Health and Safety Code section 11167), which permits the use of regular, non-secure prescription forms for Schedule II prescriptions in "an emergency where failure to issue a prescription may result in the loss of life or intense suffering."

To do this, physicians simply write "11167 exemption" on the regular prescription form and submit it to a pharmacy.

The Medical Board strongly urges physicians to make arrangements with an approved security printer to obtain the new tamper-resistant prescription pads as soon as possible. For a current list of approved security printers, go to the Board of Pharmacy Web site at www.pharmacy.ca.gov.

The board has received several calls from physicians who are concerned with the high cost of the new prescription forms being charged by the approved security printers.

Prior to SB 151 becoming law, the Board of Pharmacy diligently researched the printing costs associated with the new forms.

Printers indicated at that time that the prescriptions could be profitably printed for between 3 and 5 cents per prescription for an ordinary script (different sizes or multiple copy forms would increase costs).

The triplicate prescriptions cost about 7 cents per script now, but that does not accurately reflect their costs since the real costs are much higher and the Department of Justice has been subsidizing the expense voluntarily. As more major printing companies enter the market, prices are expected to fall.

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Frequently Asked Questions

What is a Delegation of Services Agreement?

For the mutual benefit and protection of patients, physicians and their PAs, the PA regulations require the physician to delegate in writing, for each supervised physician assistant, those medical services which the PA may provide. A sample of a Delegation of Services Agreement is available on the PAC website: www.physicianassistant.ca.gov. Medical tasks which are delegated by a supervising physician may only be those that are usual and customary to the physician's practice.

DISCIPLINARY REPORT

The following summary indicates the administrative actions taken against licensed physician assistants by the State of California from March 2004 through October, 2004. Section numbers cited refer to California Business and Professions Code (BPC); Title 16 of the California Code of Regulations (CCR), Division 13.8; Health and Safety Code (HSC); Welfare and Institutions Code (WIC). This summary does not reflect criminal and civil actions that may also have been brought separately against the licensee, as those actions are not within the jurisdiction of the Physician Assistant Committee.

Although every effort is made to ensure that the following information is correct, before making any decision based upon this information, check with the Physician Assistant Committee to substantiate the accuracy of this listing. Specific information on these violations may be obtained by contacting the Physician Assistant Committee at 916/561-8780, extension 204.

PHAM, LEON PA 11963

2234 (c), 3502, 3502.1, 3527 BPC; 1399.521 (a), 1399.521(e), 1399.540, 1399.541 (h), 1399.545 (e) CCR
Accusation filed: February 20, 2003
Charges: Exceeding Authority as a PA, Gross Negligence, Repeated Negligent Acts, Incompetence, Unprofessional Conduct
Stipulated Decision: Revoked, Stayed, 5 years probation with terms and conditions
Effective Date: March 11, 2004

CHOI, RANDY PA 15088

2234(e), 2236 (a), 2305, 3531 BPC
Accusation filed: February 2, 2003
Violations: Conviction of a Crime, Dishonesty, Discipline by Another Jurisdiction
Stipulated Decision: Revoked, Stayed, 5 years probation with terms and conditions
Effective Date: March 29, 2004

HICKMAN, JAMES PA 12960

141(a), 2305 BPC
Accusation filed: April 17, 2003
Violations: Discipline by Another State
Decision: Revoked
Effective Date: March 29, 2004

DAVIS, BRETT PA 13662

2238, 2239, BPC
Accusation filed: December 10, 2003
Violations: Unlawful Use of Controlled Substances
Stipulated Decision: Revoked, Stayed, 7 years probation with terms and conditions
Effective Date: April 15, 2004

HANKS, III, JAMES PA 10424

725, 2234 (b), 2234 (c), 2234(d), 2266, BPC 1399.512(a) CCR
Accusation filed: December 16, 2002
Violations: Gross Negligence, Repeated Negligent Acts, Incompetence, Excessive Prescribing, Inadequate Records
Stipulated Decision: Revoked, Stayed, 3 years probation with terms and conditions
Effective Date: May 10, 2004

EVANS, WILLIAM R PA 17395

480(a)(1)(2)(c) BPC
Charges: Conviction of a Crime
Stipulated Probationary License
Decision: 5 years probation with terms and conditions
Effective Date: April 21, 2004

ANENIH, JAMES PA 17433

480(a), 3527(a) BPC
Statement of Issues Filed: January 2, 2004
Charges: Conviction of a Crime
Stipulated Decision: 5 years probation with terms and conditions
Effective Date: June 4, 2004

HERRERA, ENRIQUE PA 17472

480(a)(1), 480(a)(3), 3527(a) BPC
Statement of Issues Filed: April 1, 2003
Violation: Conviction of a Crime
Decision: 3 years probation with terms and conditions
Effective Date: July 4, 2004

TURNIPSEED, STEVEN PA 11867

2234(b), 2234(c), 3527(a) BPC
1399.521 and 1399.540 CCR
Accusation Filed: May 23, 2002
Charges: Gross Negligence

Stipulated Decision: 3 years probation with terms and conditions
Effective Date: July 6, 2004

MURRAY, HARRY PA 11607

490, 493, 810, 2236(a), 2236.13527(a), 3531 BPC
Accusation Filed: April 1, 2003
Violation: Conviction of a Crime.
Medi-cal Fraud, Dishonesty
Default Decision: Revocation
Effective Date: September 16, 2004

BERTOLDO, JILL PA 15085

810(a), 2234(b)(c)(d)(e), 2238, 2239(a), 2242(a), 3502.1, 3527 BPC
Accusation Filed: May 25, 2004
Charges: Gross Negligence, Repeated Negligent Acts, Incompetence, Dishonesty, Self-Prescribing, Prescribing Dangerous Drugs Without Prior Examination
Stipulated Decision: Surrender
Effective Date: October 15, 2004

COLELLA, FRANCES PA 15239

2266 BPC
Accusation Filed: April 8, 2004
Violation: Failure to Maintain Adequate and Accurate Records
Stipulated Decision: 3 years probation with terms and conditions
Effective Date: October 25, 2004

PLUNKETT, RONALD PA 15879

475, 490, 3527, 3531 BPC
Accusation Filed: January 22, 2004
Violation: Conviction of a Crime
Decision: Revocation
Effective Date: October 26, 2004

PHYSICIAN ASSISTANT COMMITTEE 2005 MEETING DATES AND LOCATIONS

<u>Date</u>	<u>Location</u>
February 10, 2005	Sacramento
June 30, 2005	Sacramento
October 13, 2005	Sacramento

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