

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: AB 1264
AUTHOR: Petrie-Norris
BILL DATE: June 25, 2019, Amended
SUBJECT: Medical Practice Act: Dangerous Drugs: Appropriate
Prior Examination
SPONSOR: Planned Parenthood Affiliates of California
POSITION: Neutral

DESCRIPTION OF CURRENT LEGISLATION:

This bill would clarify that the requirement to provide an “appropriate prior examination” before prescribing, dispensing, or furnishing dangerous drugs does not require a real time interaction between the patient and the licensee.

BACKGROUND:

Existing law authorizes a physician, registered nurse, certified nurse-midwife, nurse practitioner, physician assistant, or pharmacist to, within their respective scope of practice, use a self-screening tool to identify patient risk factors for the use of self-administered hormonal contraceptives by a patient. Existing law allows the self-administered hormonal contraceptives to be prescribed, furnished, or dispensed to the patient after an appropriate prior examination.

Existing law defines “synchronous interaction” as a real-time interaction between a patient and a health care provider located at a distant site.

Telehealth is seen as a tool in medical practice, not a separate form of medicine. There are no legal prohibitions to using technology in the practice of medicine, as long as the practice is done by a California licensed physician. The standard of care is the same whether the patient is seen in-person, through telehealth or other methods of electronically enabled health care. Physicians need not reside in California, as long as they have a valid, current California license.

ANALYSIS:

This bill would expressly clarify that the requirement to provide an “appropriate prior examination” before prescribing, dispensing, or furnishing dangerous drugs does not require a synchronous interaction between a patient and the licensee and can be achieved through the use of telehealth, including, but not limited to, a self-screening tool or a questionnaire, provided that the licensee complies with the appropriate standard of

care. This bill would include an urgency clause and would become effective immediately upon signature.

According to the author, this bill provides needed clarification around certain types of asynchronous care. Today, in order to access birth control on Planned Parenthood Direct, a patient must answer a health questionnaire, self-report their blood pressure, and schedule a video chat before submitting their request for contraceptives. This is because of an interpretation that using telehealth to meet the requirement for an “appropriate prior examination” to occur after the use of the self-screening tool, it must involve a synchronous interaction between the patient and the health care practitioner. According to the author, clarifying the ability for birth control to be prescribed via teleconference without a video chat will expand access and address the unmet needs for birth control in California.

The Board does not interpret an appropriate prior examination to require a real-time interaction between a physician and a patient. It depends on the circumstances of each specific patient and their medical history for a physician to determine what is an appropriate prior examination, pursuant to the standard of care. This bill does specifically require the licensee to comply with the appropriate standard of care. As such, the Board has taken a neutral position on this bill.

FISCAL: None

SUPPORT: Planned Parenthood Affiliates of California (Sponsor)
California Society of Health-System Pharmacists
NARAL Pro-Choice California

OPPOSITION: None on File