

Mandatory E-Prescriptions Begin January 1, 2022

Beginning January 1, 2022, all prescriptions issued by a licensed prescriber will need to be done electronically pursuant to [Assembly Bill \(AB\) 2789](#).

The law requires that all prescriptions in California shall be issued as an **electronic data transmission prescription (e-prescriptions)**. The law, however, provides certain exemptions found in [Business and Professions Code section 688](#) including:

- The prescription is issued to a terminally ill patient pursuant to [Health and Safety Code 11159.2](#).
- An electronic data transmission prescription is not available due to a temporary technological or electrical failure.
- The prescribing health care practitioner is issuing a prescription to be dispensed by a pharmacy located outside California.
- If issued in a hospital emergency department or urgent care clinic, the prescription is not required to be transmitted electronically, but shall be electronically issued and may be given to the patient directly, when one or more of the following conditions are present:
 - The patient resides outside California.
 - The patient resides outside the geographic area of the hospital.
 - The patient is homeless or indigent and does not have a preferred pharmacy.
 - The prescription is issued at a time when a patient's regular or preferred pharmacy is likely to be closed.
- The prescribing health care practitioner and the dispenser are the same entity.
- The prescription is issued by a prescribing health care practitioner under circumstances whereby the practitioner reasonably determines that it would be impractical for the patient to obtain substances prescribed by an electronic data transmission prescription in a timely manner, and the delay would adversely impact the patient's medical condition.
- The prescription that is issued includes elements not covered by the latest version of the [National Council for Prescription Drug Programs' SCRIPT standard](#), as amended from time to time.

Under this law, a healthcare practitioner who does not use an e-prescription to issue a controlled substance prescription shall document in the patient's medical record the reason as soon as practicable, and within 72 hours of the end of the technological or electrical failure.

Healthcare practitioners who fail to meet the requirements of AB 2789, will be referred to the appropriate state professional licensing board solely for administration sanctions, as deemed appropriate by that board.

The Committee recommends that all licensed prescribers have paper prescription forms available that [meet the requirements of Health and Safety Code section 11162.1](#), should a technological or electrical failure prevent a prescription from being issued electronically.

Under this law, prescriptions for controlled substances, as defined by [Business and Professions Code section 4021](#), must comply with Parts 1300, 1304, 1306, and 1311 of Title 21 of the Code of Federal Regulations. In June 2010, the U.S. Drug Enforcement Administration (DEA) established the Electronic Prescriptions for Controlled Substances (EPCS) procedures. Title 21 of the Code of Federal Regulations provides EPCS guidance including, third-party certification that prescription software applications meet DEA requirements, identify-proofing of prescribers, two-factor authentication when signing prescriptions, and access controls established by software users. Part 1311 of Title 21 specifies the requirements in detail. For assistance, or more information on EPCS, contact EPCS@usdoj.gov.

For additional information about these requirements, please visit the [California Legislation Information website](#).