

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: SB 1468
AUTHOR: Ochoa Bogh
BILL DATE: May 17, 2024, Amended
SUBJECT: Healing Arts Boards: Informational and Educational
Materials for Prescribers of Narcotics: Federal "Three
Day Rule."
SPONSOR: Author

DESCRIPTION OF CURRENT LEGISLATION

Requires each health professional licensing board that licenses a prescriber to develop informational and educational material regarding the federal Drug Enforcement Administration's (DEA) "Three Day Rule" to help ensure prescriber awareness of existing medication-assisted treatment pathways to serve patients with substance use disorder.

Requires those boards to post these materials on their website and distribute them to each licensed prescriber's email address on file. In addition, requires the Medical Board of California (Board) to disseminate these materials to each acute care hospital in California annually (email distribution is allowed).

BACKGROUND

The DEA's "Three Day Rule" is included in section [1306.07\(b\) of Title 21 of the Code of Federal Regulations](#), authorizes prescribers (even if not registered to conduct a narcotic treatment program) to dispense (not prescribe) up to a three-day supply of a controlled substance for the purpose of initiating maintenance treatment or detoxification treatment (or both) while arrangements are being made for referral for treatment. This emergency treatment may not be renewed or extended, and the medications must be dispensed in accordance with other federal, state, and local laws.

[California Health and Safety Code \(HSC\) section 11158\(b\)](#) states that a prescriber may dispense directly to a patient a Schedule II drug in an amount not to exceed a three-day supply only if the patient is not expected to require any additional amount of that controlled substance beyond the three days.

RECENT AMENDMENTS

On May 17, 2024, SB 1468 was amended, as follows:

- Change the required distribution frequency from biannual to annual.
- Allow all distribution to be performed via email.
- Require the materials to be posted online.

ANALYSIS

According to the author’s (who is also the bill sponsor) fact sheet:

“There is a need for increased education and engagement amongst providers around how to manage patients with opioid use disorder so they feel more comfortable. The prevalence of fentanyl, in particular, has left clinicians scrambling to help patients avoid a condition known as precipitated withdrawal. Public health experts have long identified increasing access to addiction medications as a key pillar of the country’s opioid crisis response. SB 1468 would raise greater awareness about the very real benefits, the lifesaving benefits, of existing medication that assists treatment for substance use disorder.”

“Ensuring that practitioners (not just physicians) are aware they may now dispense a three-day supply of medication at one time will help ease the burdens placed on patients struggling with opioid use disorder, giving them a better chance of success.”

Consideration of a Board Position

This bill supports prescriber awareness of existing options to furnish medications to patients with an opioid use disorder, which can help address this serious and ongoing public health crisis. Board staff anticipate receiving assistance from the Department of Consumer Affairs to develop the required materials.

Accordingly, Board staff recommend the Board adopt a Support position on SB 1468.

FISCAL: Minor costs related to staff time to develop appropriate materials and distribute them to licensees and acute care hospitals.

SUPPORT: Smart Justice California

OPPOSITION: None identified.

POSITION: Recommendation: Support

ATTACHMENT: [SB 1468, Ochoa Bogh – Healing Arts Boards: Informational and Educational Materials for Prescribers of Narcotics: Federal "Three Day Rule."](#)
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