

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: SB 1468
 AUTHOR: Ochoa Bogh
 CHAPTER: Chaptered, #488
 BILL DATE: June 26, 2024, Amended
 SUBJECT: Healing Arts Boards: Informational and Educational Materials for Prescribers of Narcotics: Federal “Three Day Rule.”
 SPONSOR: Author
 POSITION: Support

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).

SB 1468 was not amended after the Medical Board of California’s (Board) previous meeting.

IMPLEMENTATION TASKS

- Collaborate with the Department of Consumer Affairs to develop the required materials (expected Q3 2025).
- Request contact information for acute care hospitals from the California Department of Public Health, distribute materials (as appropriate), and post them to the Board’s [Medical Resources webpage on controlled substances](#) and on the Board’s social media channels (expected Q3 2025)
- Report in the Board’s newsletter (expected to be published in January 2025).

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.

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.”

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

SUPPORT: California Opioid Maintenance Providers
California State Board of Pharmacy
Ella Baker Center for Human Rights
Mayor Todd Gloria, City of San Diego
Prosecutors Alliance
Smart Justice California
Vera Institute of Justice

OPPOSITION: None identified.

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

Version: 9/22/24 – Chaptered