



MEDICAL BOARD OF CALIFORNIA

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Governor Edmund G. Brown Jr., State of California | Business, Consumer Services and Housing Agency | Department of Consumer Affairs

MEMORANDUM

Date: December 28, 2018
To: Physician Prescribers
From: Medical Board of California
Subject: **AB 1753 (Low, Chapter 479)**

Assembly Bill 1753 (Low, Chapter 479) was signed into law in 2018 and becomes effective on January 1, 2019. This bill requires controlled substance security prescription forms to include a unique serialized number in a format approved by the Department of Justice (DOJ). This bill did not include any transition period to allow for continued use of old controlled substance security prescription forms on or after January 1, 2019.

Pharmacists and pharmacies will be looking for the unique serialization numbers on controlled substance security prescription forms on and after January 1, 2019. The Board encourages physician prescribers to utilize the new forms that include the serialization number. However, if you are unable to obtain the new prescription forms by January 1, 2019, please be aware that the Enforcement Committee of the Board of Pharmacy has recommended that the Board of Pharmacy not make any investigation or action a priority that is against a pharmacist who, in the exercise of his or her professional judgment, determines that it is in the best interest of patient or public health or safety to nonetheless fill such prescription.

The Board of Pharmacy is urging pharmacists and pharmacies to exercise their best judgment in handling these situations, and sent a notice reminding pharmacists and pharmacies of the following possible responses:

- Communicating with the prescriber about the need for a compliant security prescription;
- Advising the prescriber to substitute an electronic prescription;
- Consulting with the prescriber about whether the patient might be terminally ill and eligible for a "11159.2 exemption" prescription under Health and Safety Code section 11159.2;
- Treating prescription orders written on the outdated forms for Schedule III, IV and V medications as oral prescriptions, and verifying the order telephonically with the prescriber's office, pursuant to Health and Safety Code section 11164, subdivision (b);
- Schedule II prescriptions on non-compliant security prescription forms present unique challenges, because of the inability to substitute an oral prescription. It is therefore especially important that pharmacists use their best professional judgement to get

needed Schedule II medications to their patients, and the same enforcement priority will be applied to these dispensing decisions until July 1, 2019.

- If failure to dispense may result in loss of life or intense suffering, dispensing pursuant to the emergency situation requirements of Health and Safety Code section 11167, and curing with a compliant controlled substance security prescription form within seven (7) days; and
- Refusing to fill the prescription.

Again, physician prescribers are encouraged to utilize controlled substance security prescription forms with a unique serialized number, as pharmacies and pharmacists will be identifying prescribers who do not timely transition to the new security prescription forms to the appropriate prescribing board, so that compliance can be encouraged.

For additional information regarding security printers or the serialized number format, please contact the Department of Justice at (916) 210-3216 or securityprinter@doj.ca.gov. You can also review the information disseminated by the [Board of Pharmacy](#) and the language in [AB 1753](#).