

AMENDED IN SENATE AUGUST 28, 2006
AMENDED IN ASSEMBLY MAY 26, 2005
AMENDED IN ASSEMBLY MARCH 30, 2005
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 631

Introduced by Assembly Member Leno

February 17, 2005

An act to add ~~Section 11839.65 to~~ *and repeal Section 11839.65 of* the Health and Safety Code, relating to narcotic treatment programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 631, as amended, Leno. Narcotic treatment programs: mobile service units.

Existing law requires the State Department of Alcohol and Drug Programs to license narcotic treatment programs to use replacement narcotic therapy in the treatment of drug addicted persons and prohibits a program from operating without a license. Existing law requires the department to, among other things, establish and enforce narcotic treatment program operation guidelines, inspect programs to ensure that they are operating in accordance with the law and adopted regulations, and charge and collect an annual license fee. Existing law authorizes licensed narcotic treatment programs to use methadone in replacement narcotic therapy.

This bill would require the department, *until January 1, 2010*, to establish a program for the operation and regulation of mobile narcotic treatment programs. The bill would require a mobile narcotic treatment program to hold a primary narcotic treatment program

license or be affiliated and associated with a primary licensed narcotic treatment program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11839.65 is added to the Health and
2 Safety Code, to read:

3 11839.65. (a) The department shall establish a program for
4 the operation and regulation of mobile narcotic treatment
5 programs. A mobile narcotic treatment program established
6 pursuant to this section shall meet either of the following
7 conditions:

8 (1) Hold a primary narcotic treatment program license.

9 (2) Be affiliated and associated with a primary licensed
10 narcotic treatment program. A mobile narcotic treatment program
11 meeting the requirement of this paragraph shall not be required to
12 have a license separate from the primary licensed narcotic
13 treatment program with which it is affiliated and associated.

14 (b) For purposes of this section, the following terms have the
15 following meanings:

16 (1) "Authorized staff" means program directors, medical
17 directors, program physicians, physician extenders, counselors,
18 and other staff as outlined in Sections 10095 to 10140, inclusive,
19 of Title 9 of the California Code of Regulations.

20 (2) "Mobile narcotic treatment program" means a program in
21 which interested and knowledgeable physicians and surgeons,
22 counselors, and authorized licensed professionals provide
23 addiction treatment services, and through which medication may
24 be obtained directly through the manufacturer or through the
25 affiliated licensed narcotic treatment program for distribution to
26 patients and through direct administration and specified
27 dispensing services.

28 (c) Notwithstanding any other provision of law or regulation,
29 including Section 10020 of Title 9 of the California Code of
30 Regulations, a mobile narcotic treatment program that is
31 affiliated and associated with a licensed narcotic treatment
32 program may be approved by the department if all of the
33 following conditions are met:

1 (1) Authorized staff may provide mobile office addiction
2 services only if each mobile office patient is registered as a
3 patient in the licensed narcotic treatment program and both the
4 licensed narcotic treatment program and the mobile narcotic
5 treatment program ensure that all services required under Chapter
6 4 (commencing with Section 10000) of Division 4 of Title 9 of
7 the California Code of Regulations for the management of
8 narcotic addiction are provided to all patients treated in the
9 remote site.

10 (2) The primary licensed narcotic treatment program shall be
11 limited to its total licensed capacity as established by the
12 department, including the patients of physicians in the mobile
13 narcotic treatment program.

14 (3) Authorized staff in the mobile narcotic treatment program
15 shall dispense or administer pharmacologic treatment for narcotic
16 addiction that has been approved by the federal Food and Drug
17 Administration.

18 (4) Mobile narcotic treatment programs, in conjunction with
19 primary licensed narcotic treatment programs, shall develop
20 protocols to prevent the diversion of medication. The department
21 may adopt regulations to prevent the diversion of medication.

22 (d) In considering a mobile narcotic treatment program
23 application, the department shall independently weigh the
24 treatment needs and concerns of the county, city, or areas to be
25 served by the program.

26 (e) Nothing in this section is intended to expand the scope of
27 the practice of pharmacy.

28 (f) Mobile narcotic treatment programs shall be located at
29 predetermined sites that shall be approved by the department. All
30 support services provided to the mobile narcotic treatment
31 programs at the approved sites shall be approved by the
32 department.

33 (g) *This section shall remain in effect only until January 1,*
34 *2010, and as of that date is repealed, unless a later enacted*
35 *statute, that is enacted before January 1, 2010, deletes or extends*
36 *that date.*