

Assembly Bill No. 631

CHAPTER 544

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

[Approved by Governor September 28, 2006. Filed with Secretary of State September 28, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 631, 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.

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

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

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

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

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

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

(2) “Mobile narcotic treatment program” means a program in which interested and knowledgeable physicians and surgeons, counselors, and authorized licensed professionals provide addiction treatment services, and through which medication may be obtained directly through the manufacturer or through the affiliated licensed narcotic treatment program for distribution to patients and through direct administration and specified dispensing services.

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

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

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

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

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

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

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

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

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

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