

December 21, 2018

The Honorable Xavier Becerra
Attorney General
Office of the Attorney General
State of California Department of Justice
P.O. 160447
Sacramento, CA 95816

VIA EMAIL

Re: Implementation of Assembly Bill 1753 (Low) – Security Prescription Pad Updates

Dear Attorney General Becerra:

On behalf of our more than 43,000 physician and medical student members, I write to convey the California Medical Association's (CMA) concerns regarding the implementation of the new security prescription pad requirement pursuant to Assembly Bill 1753 (Low).

Assembly Bill 1753 authorizes the California Department of Justice (DOJ) to not only reduce the number of approved security printer vendors for controlled substance prescription forms, but also adds a new 15th element to the required features that must be a part of the security prescription form. This new requirement, of "a uniquely serialized number, in a manner prescribed by the Department of Justice," would require California physicians who prescribe controlled substances to use updated controlled substance prescription forms effective January 1, 2019.

As of December 10, 2018, the DOJ had not fully prescribed the manner in which the uniquely serialized number would be implemented by the security printers currently approved by the DOJ and none of the approved security printers had forms available with the required uniquely serialized number for physicians to order. Physicians have finally been notified this week that the updated forms were available for purchase from some of the currently approved vendors, with less than two weeks to go before the compliance date. This does not provide enough time for physicians to re-order forms and integrate the use of the new forms for use beginning January 1, 2019 and would result in a serious barrier to patients who must access necessary medications in a timely manner.

Further, re-ordering the security prescription forms presents a great expense for many physician practices. There has been no indication from DOJ about whether it will be reducing the number of security printers pursuant to Assembly Bill 1753. Without assurance from the DOJ that the currently approved security printers will remain approved, physicians will be

required to order forms now that may no longer be from an approved security printer should DOJ decide to revoke a printer's approved status at a later date.

While we acknowledge that DOJ has "prescribed the manner" in which the serialized number must be included in the prescription forms by January 1, 2019, it has not done so in a timely enough manner for it to be implemented by physician prescribers and will result in a serious disruption of patient care as we indicated to you earlier this month. We urge DOJ to work with the Medical Board of California and the California Board of Pharmacy to allow for a transitional period for pharmacies to accept prescription forms that are not fully compliant with the new requirement to ensure continuity of care for California patients. This will give prescribers time to obtain the new compliant forms and be confident that the security printer they are using will continue to be approved by DOJ.

We appreciate your consideration of this letter, and we look forward to working with the DOJ to ensure compliance with this new requirement in a way that does not adversely affect patient care. If you have any questions, please contact Lisa Matsubara, Legal Counsel at lmatsubara@cmadocs.org or (916) 551-2560 or Samantha Pellón, Associate Director of Health Policy at spellon@cmadocs.org or (916) 551-2887.

Sincerely,



Janus Norman
Senior Vice President, Center for Government Relations
California Medical Association

Cc: Kimberly Kirchmeyer, Executive Director Medical Board of California
Virginia Herold, Executive Officer, California Board of Pharmacy
The Honorable Assemblymember Evan Low
Assembly Business & Professions Committee
Senate Business & Professions Committee
The Honorable Senator Jerry Hill
Budget Subcommittee

