



State of California—Health and Human Services Agency
Department of Health Care Services



EDMUND G. BROWN JR.
GOVERNOR

DATE: July 6, 2015

MHSUDS INFORMATION NOTICE NO.: 15-026

TO: COUNTY BEHAVIORAL HEALTH PROGRAM DIRECTORS
COUNTY DRUG & ALCOHOL ADMINISTRATORS
COUNTY BEHAVIORAL HEALTH DIRECTOR'S ASSOCIATION
CALIFORNIA COUNCIL OF COMMUNITY MENTAL HEALTH AGENCIES
COALITION OF ALCOHOL AND DRUG ASSOCIATIONS

SUBJECT: Non-Controlled Substances used for Substance Use Disorder (SUD)
Treatment in a Narcotic Treatment Program (NTP) setting

The Department of Health Care Services (DHCS) offers the following guidance regarding the prescribing and dispensing of non-controlled substances in the NTP setting. As there are different paths for patients in need of Medication Assisted Treatment (MAT) to receive MAT in California, the State allows for medications and treatment services to be available in a variety of different settings, including the NTP setting.

NTPs are urged to develop and provide the most inclusive and cohesive treatment possible. NTPs are responsible for ordering, monitoring, dispensing and administering the MAT, along with counseling and other ancillary services for their patients. California Health and Safety Code, Section 11839.2 states, "The following controlled substances are authorized for use in narcotic replacement therapy by licensed narcotic treatment programs: (a) Methadone, (b) Levoalphacetylmethadol as specified in paragraph (10) of subdivision (c) of Section 11055, (c) Buprenorphine products or combination of products approved by the federal Food and Drug Administration for maintenance or detoxification of opioid dependence, (d) Any other federally approved, controlled substances used for the purpose of narcotic replacement treatment." Programs may also seek to provide other non-controlled pharmacotherapies for SUD treatment.

The Substance Abuse and Mental Health Services Administration released a letter entitled, "Guidance for prescribing non-controlled substances" dated March 13, 2014, which provides assistance to NTPs on the matter. The letter states that "Title 42, Code of Federal Regulations, Part 8.12 does not prohibit physicians and other licensed health professionals with prescriptive authority from prescribing or dispensing non-controlled substances to Opioid Treatment Program (OTP/NTP) patients as a part of their formal job duties at an OTP/NTP." The prescribing and dispensing of non-controlled

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substances are not under the jurisdiction of the U.S. Drug Enforcement Administration and are also not prohibited in current NTP statutes and regulations. At this time, current NTP laws, statutes and regulations only apply to controlled substances. Payment for the non-controlled substance medication and any additional requirements will vary based on the funding source for the medication.

Sincerely,

Original Signed by

Karen Baylor, Ph.D., LMFT, Deputy Director
Mental Health & Substance Use Disorder Services