

# CURES MANDATORY CONSULTATION



Generally, prior to prescribing, ordering, administering, or furnishing a Schedule II–IV controlled substance, the practitioner must consult their patient’s activity from the Controlled Substance Utilization Review and Evaluation System (CURES).

Practitioners are not required to consult CURES prior to prescribing or ordering a Schedule V controlled substance; however, practitioners are required to report the dispensing of a Schedule V controlled substance.

## WHEN MUST I CONSULT CURES?

- The first time a patient is prescribed, ordered, administered, or furnished the controlled substance, unless one of the exemptions listed below apply.
- Within the 24-hour period, or the previous business day, before prescribing, ordering, administering, or furnishing the controlled substance, unless one of the exemptions listed below apply.
- Before subsequently prescribing the controlled substance, if previously exempt.
- At least once every six months if the controlled substance remains a part of the patient’s treatment plan.

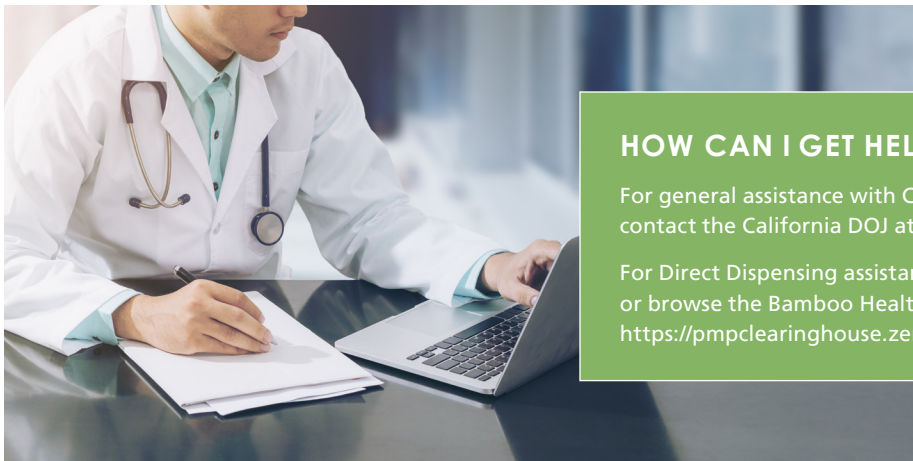
Note: this requirement does not apply to veterinarians or pharmacists.

## WHAT PROTECTIONS ARE THERE FOR PRESCRIBERS?

- There is no private cause of action for a prescriber’s failure to consult CURES.
- For complete information on the mandatory requirement to consult CURES, please read HSC § 11165.4.
- If you have any further questions, please seek legal counsel.

“First time” is defined as the initial occurrence in which a health care practitioner intends to prescribe, order, administer, or furnish a controlled substance to a patient and has not previously prescribed a controlled substance to the patient.

— Health and Safety Code (HSC), § 11165.4(a)(1)(B)



## HOW CAN I GET HELP WITH CURES?

For general assistance with CURES, including training and CURES usage support, contact the California DOJ at (916) 210-3187 or [CURES@doj.ca.gov](mailto:CURES@doj.ca.gov).

For Direct Dispensing assistance, contact Bamboo Health at (855) 502-0999, or browse the Bamboo Health Help Center or create a support request at <https://pmpclearinghouse.zendesk.com/hc/en-us/>.

## WHAT EXEMPTIONS ARE THERE TO CONSULTING CURES?

A health care practitioner is exempt from consulting the CURES database before prescribing, ordering, administering, or furnishing a controlled substance in any of the following circumstances:

- While the patient is admitted to, or during an emergency transfer between a
  - » Licensed Clinic
  - » Outpatient Setting
  - » Health Facility
  - » County Medical Facility
  - » Correctional Clinic
  - » Correctional Pharmacy
  - » Another Medical Facility (such as an office of a health care practitioner or an imaging center)
- In the emergency department of a general acute care hospital, and the controlled substance does not exceed a non-refillable seven-day supply.
- As part of a patient's treatment for a surgical, radiotherapeutic, therapeutic, or diagnostic procedure, and the controlled substance does not exceed a non-refillable seven-day supply when a surgical procedure is performed at a
  - » Licensed Clinic
  - » Outpatient Setting
  - » Health Facility
  - » County Medical Facility
  - » Place of Practice
  - » Another Medical Facility where surgical procedures are permitted to take place (such as the office of a health care practitioner)
- A terminally ill patient receiving care.

The facilities listed are specifically defined in statute commencing with HSC § 1200, § 1248, § 1250, and § 1440; and BPC § 4187 and § 4021.5, respectively.

"Place of Practice" is defined as a Dental Office pursuant to Business and Professions Code § 1658.



**What if it is not reasonably possible for a prescriber to access the information in CURES in a timely manner?**

- If another individual with access to CURES is not reasonably available, a seven-day supply of the controlled substance can be prescribed, ordered, administered, or furnished as long as there is no refill allowed. In addition, the prescriber must document in the patient's medical records the reason for not consulting CURES.

**What if I determine that consulting CURES would result in a patient's inability to obtain a prescription in a timely manner and thereby adversely impact the patient's medical condition?**

- A prescriber may provide a non-refillable seven-day supply if they make this determination. The prescriber must document in the patient's medical records the reason for not consulting CURES.

### WHAT IF I EXPERIENCE TECHNICAL DIFFICULTIES WITH CURES?

There are exemptions to consulting CURES if there are technical difficulties accessing CURES, such as CURES is temporarily unavailable for system maintenance, or you experience temporary technological or electrical failure and CURES cannot be accessed (e.g., power outage due to inclement weather).

A prescriber should contact the CURES Help Desk at (916) 210-3187 or [CURES@doj.ca.gov](mailto:CURES@doj.ca.gov) for assistance accessing their CURES account.

*Note: A prescriber must, without undue delay, seek to correct any cause of the temporary technological or electrical failure that is reasonably within their control.*

CURES



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