

## WEBINAR UPDATE

### **DEA Extends COVID-19 Flexibilities for Current Telemedicine Relationships until November 2024**

We are pleased to report that on May 9, 2023, the DEA released a temporary rule establishing an extension for the telemedicine and controlled substance prescribing flexibilities adopted during the COVID-19 public health emergency (PHE). The temporary rule entitled “Temporary Extension of COVID-19 Telemedicine Flexibilities for Prescription of Controlled Medications” takes effect on May 11, 2023.

Key points of the Temporary Rule:

- The full set of telemedicine flexibilities for prescribing of controlled substances that were in place during the COVID-19 PHE will remain in place through November 11, 2023.
- In addition, for any telemedicine treatment relationships that were established on or before November 11, 2023, all telemedicine flexibilities with respect to prescribing of controlled substances that were in place during the COVID-19 PHE will continue during a one-year grace period through November 11, 2024. In other words, if a patient and a practitioner establish a telemedicine relationship on or before November 11, 2023, the same COVID-19 telemedicine flexibilities that have governed the relationship up to that point will be permitted until November 11, 2024.
- However, the existing COVID-19 telemedicine flexibilities will not be applicable to any telemedicine relationships newly established after November 11, 2023.
- The COVID-19 flexibilities to be extended include: (i) waiver of the Ryan Haight in-person visit requirement for the prescription of controlled substances by means of a telemedicine encounter (ii) the ability to prescribe controlled substances in any state as long as the practitioner has a DEA registration in at least one state (iii) and the ability to prescribe buprenorphine by means of an audio-only encounter.

The goal of the Temporary Rule is to ensure continuity of care and a smooth transition for patients and practitioners that have come to rely on the use of telemedicine during the COVID-19 public health emergency. During the extension period, the DEA and other federal regulators will continue to review the more than 38,000 public comments received “in order to promulgate regulations that most effectively expand access to telemedicine encounters in a manner that is consistent with public health and safety, while maintaining effective controls against diversion.”

Link to DEA press release and Temporary Rule: <https://www.dea.gov/press-releases/2023/05/09/dea-samhsa-extend-covid-19-telemedicine-flexibilities-prescribing>.