

October 26, 2020

The Honorable Timothy Shea  
Acting Administrator  
Drug Enforcement Administration (DEA)  
Lincoln Place-West, 700 Army Navy Drive  
Arlington, VA 22202

Dear Administrator Shea:

The undersigned organizations write to encourage the Drug Enforcement Administration (DEA) to expedite and complete its efforts to implement a telemedicine special registration process enabling providers to safely prescribe controlled substances remotely. Our experience during COVID-19 has demonstrated the value of increased access to telemedicine to enable all qualified providers, including Community Mental Health Centers and addiction treatment facilities, to prescribe Medication Assisted Treatment (MAT) to patients with Opioid Use Disorder (OUD).

On October 24, 2018, President Donald J. Trump signed into law the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities (SUPPORT) Act (P.L. 115-271). Section 3232 of the Act amends the Controlled Substance Act (CSA) Section 311(h)(2) to require that no later than one year after enactment, the Attorney General, in consultation with the Secretary of Health & Human Services (HHS), promulgate final regulations specifying the circumstances in which a special registration for telemedicine may be issued and the procedure for obtaining the registration. **It has now been two full years since the SUPPORT Act was signed into law with no appreciable progress in moving forward a rulemaking process to implement this key telemedicine provision.**

Given the opioid use crisis now heavily impacting the United States, the DEA's delay is difficult to comprehend. In the six months since COVID-19 brought the nation to a standstill, the opioid epidemic has taken a sharp turn for the worse. More than 40 states have recorded increases in opioid-related deaths since the pandemic began. In Arkansas, the use of Narcan, an overdose reversing medication, has tripled. Officials in Jacksonville, FL have seen a 40 percent increase in overdose related emergency calls. In March alone, York County, PA recorded three times as many overdoses as usual.

The nationwide data is similarly alarming: drug overdoses increased 18 percent in March compared with last year, 29 percent in April, and 42 percent in May according to the Overdose Detection Mapping Application Program (ODMAP), a federal initiative that collects data from ambulance teams, hospitals, and police. Telemedicine is one of the key means of addressing this worsening crisis by expanding access to addiction treatment in underserved communities, rural areas, and communities of color.

Since the onset of the coronavirus epidemic Public Health Emergency (PHE), HHS has employed its authority under Section 1135 of the Social Security Act to waive a wide array of restrictions and limits on telemedicine imposed under Section 1834(m) of the Act. The DEA also recognized the immediate need

for expanded access to remote care during the pandemic and, in partnership with the Substance Abuse and Mental Health Services Administration (SAMHSA), exercised its regulatory authority to permit remote prescribing of controlled substances using telemedicine without a prior in-person exam, regardless of the patient's location (if the prescribing is medically appropriate and the prescriber is DEA-registered). In particular, this has allowed buprenorphine/Suboxone initiation over telemedicine. **While we appreciate these PHE-related changes, statute requires the implementation of a permanent regulation. The time for that regulation is long overdue.**

It should be noted that – in numerous public appearances as well as in congressional testimony – HHS Secretary Alex Azar and U.S. Surgeon General Jerome Adams repeatedly refer to MAT as “the gold standard” of addiction treatment. Buprenorphine is a key part of the MAT armamentarium. It is an opioid medication used to treat opioid addiction in the privacy of a health care practitioner's office or an outpatient clinic. Buprenorphine can be dispensed for take-home use by prescription filled in local pharmacies. These characteristics, in addition to buprenorphine's pharmacological and safety profile, make it a preferred treatment option for patients addicted to opioids.

According to a [Health Affairs blog](#) authored by noted academic medical experts: “Telehealth had already been proven effective for managing patients who had already started buprenorphine treatment after an in-person visit, with multiple studies demonstrating similar retention and illicit opioid abstinence rates among patients managed by telehealth compared to in-person. Prior to COVID-19, the Department of Veterans Affairs successfully implemented telehealth buprenorphine management for veterans with OUD and has published a toolkit to support future expansion of telehealth buprenorphine programs.” Many healthcare providers across the United States have used telemedicine to expand access to MAT and report high clinician and patient satisfaction with telemedicine. In fact, the Centerstone Research Institute (CRI) even showed that telemedicine interventions have been 18 percent more effective at reducing past 30-day alcohol and tobacco use relative to face-to-face settings.

Given the worsening opioid overdose crisis, the undersigned organizations urge the DEA to move forward with the telemedicine special registration process required by federal law that will enable SAMHSA waived clinicians, Community Mental Health Centers and addiction treatment facilities to prescribe MAT to patients with OUD employing telemedicine technology.

This important rulemaking also closely aligns with the October 5 *Executive Order on Saving Lives Through Increased Support for Mental- and Behavioral-Health Needs* and will disproportionately benefit patients with addiction disorders living in rural America and underserved urban areas.

Thank you for your attention to this important matter.

Sincerely,

Abbott House  
Allergy & Asthma Network

Alliance for Connected Care  
America's Health Insurance Plans  
American Academy of Family Physicians  
American Academy of PAs  
American Academy of Physical Medicine and Rehabilitation  
American Association of Nurse Practitioners  
American Association of Suicidology  
American Geriatrics Society  
American Nurses Association  
American Psychiatric Association  
American Telemedicine Association  
American Urological Association  
Ascension  
Assisted Recovery Centers of America  
Association for Behavioral Health and Wellness  
At Your Service Psychiatry, PLLC  
Banner | Aetna  
California Hospital Association  
Center for Freedom and Prosperity  
Centerstone  
Change Healthcare  
CirrusMD Inc.  
Clusterbusters  
Columbia University Irving Medical Center  
CompreCareRx  
Curve Health  
Directions in Independent Living, Inc.  
Doxy.me  
eHealth Initiative  
Eleanor Health  
EMBER Medical  
Encounter Telehealth, LLC  
Epilepsy Foundation  
ExamMed  
Federation of American Hospitals  
Foothold Technology  
GlobalMedia Group, LLC.  
GO2 Foundation for Lung Cancer  
Health Innovation Alliance  
Healthcare Leadership Council  
HealthFlow.io  
Holland Healthcare

InSight + Regroup  
International OCD Foundation  
Leadership OD  
Legal Action Center  
Magellan Health  
Mass General Brigham  
Medstar Health  
Mental Health America  
Minnesota HIMSS Chapter  
mvmtAi inc.  
National Association of Pediatric Nurse Practitioners  
National Association of Social Workers  
National Association of State Mental Health Program Directors  
National Council for Behavioral Health  
National League for Nursing  
Net Medical  
Netsmart  
New Jersey Association of Mental Health and Addiction Agencies  
NextGen Healthcare  
NOVA ScriptsCentral  
Palmetto Care Connections  
PAs in Virtual Medicine and Telemedicine  
PrimeCare Community Health  
Psychiatric Medical Care  
PursueCare  
QueerDoc  
Qure4u Health  
Schizophrenia and Related Disorders Alliance of America  
Scripps Mercy Hospital and Medical Center  
Small Business & Entrepreneurship Council  
Spina Bifida Association  
Strategic Solutions  
TeleMed2U  
UPMC  
URAC  
UVA Health  
ViTel Net  
Xylo Technologies Inc  
Zipnosis, Inc

cc: Jeffrey A. Rosen, Deputy Attorney General, U.S. Department of Justice