

Telehealth & COVID-19

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CENTER FOR CONNECTED HEALTH POLICY (CCHP)

is a non-profit, non-partisan organization that seeks to advance state and national telehealth policy to promote improvements in health systems and greater health equity.

DISCLAIMERS

- Any information provided in today's talk is not to be regarded as legal advice. Today's talk is purely for informational purposes.
- Always consult with legal counsel.
- CCHP has no relevant financial interest, arrangement, or affiliation with any organizations related to commercial products or services discussed in this program.

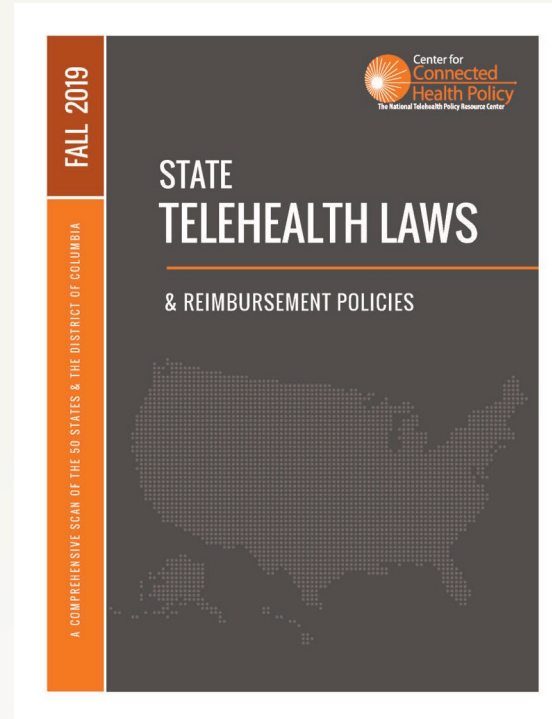
ABOUT CCHP

- Established in 2009
- Program under the Public Health Institute
- Became federally designated national telehealth policy resource center in 2012
- Work with a variety of funders and partners



CCHP PROJECTS

- 50 State Telehealth Policy Report
- Administrator National Consortium of Telehealth Resource Centers
- Convener for California Telehealth Policy Coalition



PRESCRIBING CONTROLLED SUBSTANCES USING TELEHEALTH

➤ DEA

The declaration of the national emergency enacted one of the exceptions to the Ryan Haight Act for telehealth (telemedicine as it is referred to in the Act).

For as long as the Secretary's designation of a public health emergency remains in effect, DEA-registered practitioners may issue prescriptions for controlled substances to patients for whom they have not conducted an in-person medical evaluation, provided all of the following conditions are met:

- *The prescription is issued for a legitimate medical purpose by a practitioner acting in the usual course of his/her professional practice*
- *The telemedicine communication is conducted using an audio-visual, real-time, two-way interactive communication system.*
- *The practitioner is acting in accordance with applicable Federal and State law.*

<https://www.deadiversion.usdoj.gov/coronavirus.html>

PRESCRIBING CONTROLLED SUBSTANCES USING TELEPHONE

➤ DEA

Starting March 31, 2020, during this public health emergency may prescribe and dispense buprenorphine to new and existing patients with OUD via telephone if they are:

- *Practitioners who are registered with the DEA as an opioid treatment program (OTP) if a program physician, primary care physician, or an authorized healthcare professional under the supervision of a program physician determines that an adequate eval of the patient can be done via phone.*
- *“DATA-waived practitioners,” who have a special registration to qualify for a waiver to dispense buprenorphine for maintenance or detoxification and are complying with all applicable standards of care.*

<https://www.samhsa.gov/sites/default/files/dea-samhsa-buprenorphine-telemedicine.pdf>

PRESCRIBING CONTROLLED SUBSTANCES USING TELEPHONE

➤ DEA

- *Can only be done if the evaluating practitioner feels an adequate evaluation can be done via phone*
- *It also has to be for a legitimate medical purpose and all applicable standards of care apply*
- *It should be noted that this is a guidance document and that it is “not binding on the public and lack the force and effect of law.”*

<https://www.samhsa.gov/sites/default/files/dea-samhsa-buprenorphine-telemedicine.pdf>

PRESCRIBING CONTROLLED SUBSTANCES USING TELEPHONE

➤ STATE LAWS

- *States may have restrictions specifically addressing the prescribing of controlled substances that are stricter and not waived*

CCHP

- CCHP Website – cchpca.org
 - Telehealth Federal Policies -
<https://www.cchpca.org/resources/covid-19-telehealth-coverage-policies>
 - State Emergency Waivers/Guidances -
<https://www.cchpca.org/resources/covid-19-related-state-actions>
- Subscribe to the CCHP newsletter at cchpca.org/contact/subscribe



Thank You!

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