

March 31, 2023

The Honorable Anne Milgram
Administrator
Drug Enforcement Agency
600 Army Navy Dr.
Arlington, VA 22202

Dear Administrator Milgram,

On behalf of our over 150,000 pharmacists, student pharmacists, pharmacy interns, and pharmacy technician members, we are writing to request the Drug Enforcement Administration (DEA) extend flexibilities for telehealth prescribing of buprenorphine using the opioids-related public health emergency (PHE).

As DEA is aware, patient demand for substance use disorder (SUD) treatment, including access to buprenorphine and methadone, far outstrips current provider capacity. Telehealth prescribing of buprenorphine can significantly expand access to MOUD, particularly for patients in rural and underserved areas. We are concerned that DEA's recent proposed rule, "Expansion of Induction of Buprenorphine via Telemedicine Encounter" (the "proposed rule"), which imposes an in-person visit requirement for patients receiving a telehealth prescription for buprenorphine, will result in barriers to patient care.

We recognize that previous flexibility in telehealth prescribing was premised on the COVID-19 public health emergency (PHE), and that DEA is working to provide regulatory clarity in advance of the COVID-19 PHE wind down. Given that the Mainstreaming Addiction Treatment Act, which removed federal X-waiver requirements, was only recently passed, there will still be considerable flux in the SUD treatment space even after the COVID-19 PHE ends. Rather than moving forward with the proposed rule at this time, we urge DEA to consider using the opioids-related PHE to extend the flexibility to prescribe buprenorphine via telehealth without an in-person visit for at least another year. Such an approach would allow the healthcare system time to adapt to the X-waiver changes, without enacting regulatory parameters that may prove unnecessarily restrictive.

We share DEA's commitment to addressing the opioids crisis and we greatly appreciate DEA's recent efforts to directly engage stakeholders on these issues. In addition to this joint request for DEA to consider using the opioids-related PHE to extend flexibilities around telehealth prescribing of buprenorphine, our respective organizations plan to submit comments to the formal docket for the proposed rule. As DEA continues its work on this critical issue, we encourage the agency to view our organizations as resources and to reach out if we can provide any additional information or assistance.

Sincerely,

Academy of Managed Care Pharmacy
American Association of Colleges of Pharmacy
American Association of Psychiatric Pharmacists
American College of Apothecaries
American College of Clinical Pharmacy
American Pharmacists Association

American Society of Consultant Pharmacists
American Society of Health-System Pharmacists
Hematology/Oncology Pharmacy Association
National Alliance of State Pharmacy Associations
National Pharmaceutical Association

CC: Dr. Neeraj Gandotra, Chief Medical Officer, Substance Abuse and Mental Health Services Administration

The Honorable Dawn O'Connell, JD, Assistant Secretary for Preparedness and Response (ASPR)

The Honorable Chiquita Brooks-LaSure, Administrator, CMS