

TO: EXECUTIVE OFFICERS – STATE BOARDS OF PHARMACY
FROM: Andrew Funk, PharmD, Member Relations/Government Affairs Director
DATE: January 23, 2025
RE: DEA Rulemaking Regulating Controlled Substance Prescribing via Telemedicine

The Drug Enforcement Administration published three separate rulemakings regulating the prescribing of controlled substances through telemedicine encounters. The rulemakings, which included two final rules, and one notice of proposed rulemaking were published in the Federal Register on January 17, 2025.

[Special Registrations for Telemedicine and Limited State Telemedicine Registrations](#)

Background: The Ryan Haight Online Pharmacy Consumer Protection Act of 2008 (the “Ryan Haight Act”) generally requires an in-person medical evaluation prior to the issuance of a prescription of controlled substances but provides an exception to this in-person medical evaluation requirement where the practitioner is engaged in the “practice of telemedicine” within the meaning of the Ryan Haight Act. These proposed regulatory changes would establish a Special Registration framework and authorize three types of Special Registration. This proposed rulemaking also provides for heightened prescription, recordkeeping, and reporting requirements. DEA believes such changes are necessary to effectively expand patient access to controlled substance medications via telemedicine while mitigating the risks of diversion associated with such expansion.

This is a Notice of Proposed Rulemaking with a 60-day comment period ending on **March 18, 2025**.

Summary of Notable Requirements:

- Establishes three types of telemedicine registrations for prescribers of controlled substances
 - Telemedicine Prescribing Registration for the prescribing of Schedule III-V substances.
 - Advanced Telemedicine Prescribing Registration for specialized practitioners to prescribe schedule II-V substances.
 - Telemedicine Platform Registration for online platforms that facilitate controlled substance prescriptions.
- Requires prescribers to obtain state-specific telemedicine registrations unless exempt.
- Requires interstate PDMP use.
 - Upon the rule being final, prescribers must check the PDMP where the patient and prescriber are located as well as any state or territory that has a PDMP data sharing agreement with the states where the patient and prescriber are located.
 - Three years after the date the rule is final, prescribers must perform a 50-state and territorial PDMP search.

[Expansion of Buprenorphine Treatment via Telemedicine Encounter](#)

Background: The Drug Enforcement Administration and the Department of Health and Human Services are amending their regulations to expand the circumstances under which practitioners registered by the Drug Enforcement Administration are authorized to prescribe schedule III-V controlled substances approved by the Food and Drug Administration for the treatment of opioid use disorder via a telemedicine encounter, including an audio-only telemedicine encounter. Under these new regulations, after a practitioner reviews the patient's prescription drug monitoring program data for the state in which the patient is located during the telemedicine encounter, the practitioner may prescribe an initial six-month supply of such medications (split amongst several prescriptions totaling six calendar months) through audio-only means. Additional prescriptions can be issued under other forms of telemedicine as authorized under the Controlled Substances Act, or after an in-person medical evaluation is conducted. This regulation also requires the pharmacist to verify the identity of the patient prior to filling a prescription. The Ryan Haight Online Pharmacy Consumer Protection Act of 2008 generally requires an in-person medical evaluation prior to issuance of a controlled substance prescription. However, this regulation falls under one of the exceptions found within the Ryan Haight Act. Additionally, this regulation does not affect practitioner-patient relationships in cases where an in-person medical evaluation has previously occurred. The purpose of this regulation is to prevent lapses of care by continuing some of the telemedicine flexibilities that currently exist for those patients seeking treatment for opioid use disorder.

This is a Final Rule.

[Continuity of Care via Telemedicine for Veterans Affairs Patients](#)

Background: This final rule authorizes Department of Veterans Affairs (VA) practitioners acting within the scope of their VA employment to prescribe controlled substances via telemedicine to a VA patient with whom they have not conducted an in-person medical evaluation. VA practitioners are permitted to prescribe controlled substances to VA patients if another VA practitioner has, at any time, previously conducted an in-person medical evaluation of the VA patient, subject to certain conditions.

cc: NABP Executive Committee
Lemrey "Al" Carter, Executive Director/Secretary