



Use of Telemedicine While Providing MAT May 15, 2018

Use of Telemedicine While Providing Medication Assisted Treatment (MAT)



Under the Ryan Haight Act of 2008, where controlled substances are prescribed by means of the Internet, the general requirement is that the prescribing Practitioner must have conducted at least one in-person medical evaluation of the patient. [U.S.C. § 829\(e\)](#). However, the Act provides an exception to this requirement. 21 U.S.C. § 829 (e)(3)(A). Specifically, a DEA-registered Practitioner acting within the United States, is **exempt** from the requirement of an in-person medical evaluation as a prerequisite to

prescribing or otherwise dispensing controlled substances by means of the Internet, **if** the Practitioner is engaged in the practice of telemedicine and is acting in accordance with the requirements of [21 U.S.C. § 802\(54\)](#).

Under 21 U.S.C. § 802(54)(A),(B), for **most** (DEA-registered) Practitioners in the United States, **including** Qualifying Practitioners and Qualifying Other Practitioners ("Medication Assisted Treatment Providers") who are using FDA approved Schedule III-V controlled substances to treat opioid addiction, the term "practice of telemedicine" means the practice of medicine in accordance with applicable Federal and State laws, by a practitioner (other than a pharmacist) who is at a location remote from the patient, and is communicating with the patient, or health care professional who is treating the patient using a telecommunications system referred to in (42 C.F.R. § 410.78(a)(3)) which practice is being conducted:

A. while the patient is being treated by, and physically located in, a DEA-registered hospital or clinic registered under [21 U.S.C. § 823\(f\)](#) of this title; and by a practitioner

- who is acting in the usual course of professional practice;
- who is acting in accordance with applicable State law; and
- is registered under 21 U.S.C. § 823(f) with the DEA in the State in which the patient is located.

OR

B. while the patient is being treated by, and in the physical presence of, a DEA-registered practitioner

- who is acting in the usual course of professional practice;
- who is acting in accordance with applicable State law; and
- is registered under 21 U.S.C. § 823(f) with the DEA in the State in which the patient is located.

Please be advised that the remote Practitioner engaged in the practice of telemedicine must be registered with the DEA in the state where they are physically located **and** in every state where their patient(s) is (are) physically located. [21 U.S.C. § 822\(e\)\(1\)](#); [21 C.F.R. § 1301.12\(a\)](#); Notice 69478 Federal Register / Vol. 71, No. 231 / Friday, December 1, 2006.

Also be advised that all records for the prescribing of an FDA approved narcotic for the treatment of opioid addiction need to be kept in accordance with [21 C.F.R. § 1304.03\(c\)](#), 21 C.F.R. § [1304.21\(b\)](#), and with all other requirements of 21 C.F.R. Part 1300 to End.

Please note that while this document reflects DEA's interpretation of the relevant provisions of the Controlled Substances Act (CSA) and DEA regulations, to the extent it goes beyond merely reiterating the text of law or regulations, it does not have the force of law and is not legally binding on registrants. Because this document is not a regulation that has the force of law, it may be rescinded or modified at DEA's discretion.