

The DEA has recently issued clarifying guidance that telemedicine prescribing of controlled substances is allowed during the public health emergency. The DEA guidance is available online at <https://www.deadiversion.usdoj.gov/coronavirus.html#startcontent>

Question:

Can telemedicine now be used under the conditions outlined in Title 21, United States Code (U.S.C.), Section 802(54)(D)?

Answer:

Yes While a prescription for a controlled substance issued by means of the Internet (including telemedicine) must generally be predicated on an in-person medical evaluation (21 U.S.C. 829(e)), the Controlled Substances Act contains certain exceptions to this requirement. One such exception occurs when the Secretary of Health and Human Services has declared a public health emergency under 42 U.S.C. 247d (section 319 of the Public Health Service Act), as set forth in 21 U.S.C. 802(54)(D). Secretary Azar declared such a public health emergency with regard to COVID-19 on January 31, 2020. (<https://www.hhs.gov/about/news/2020/01/31/secretary-azar-declares-public-health-emergency-us-2019-novel-coronavirus.html>). For as long as the Secretary's designation of a public health emergency remains in effect, DEA-registered practitioners may issue