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DEA Extends Telehealth Waiver; CMS: Some M.D.s Must Report Home Addresses, With an Out

By Nina Youngstrom

About a week before the May 11 end of the COVID-19 public health emergency (PHE), the Drug Enforcement Administration (DEA) announced it's extending the waiver of the requirement that patients have one in-person visit with physicians before they prescribe controlled substances by telehealth while it tries "to find a way forward to give Americans that access with appropriate safeguards."^[1]

In an unrelated move, CMS said physicians who deliver 100% of their services by telehealth from their homes are required to report their home addresses on claim forms starting Jan. 1, 2024. There's overlap with the two developments in terms of physician concerns about their privacy and confidentiality. In response, CMS has provided an escape hatch for physicians who want to shield their home addresses and the DEA has been asked to remove physician addresses from electronic prescriptions.

In terms of telehealth and controlled substances, early in the PHE, the DEA granted a temporary exception to the 2008 Ryan Haight Act, which requires providers to have one in-person visit with a patient before prescribing controlled substances by telehealth (e.g., medication-assisted treatment for opioid use disorders). As a result, many patients have established relationships with virtual-only physicians and telehealth companies to get their controlled substances, said attorney Thomas Ferrante with Foley & Lardner in Tampa, Florida. The Ryan Haight Act also requires the DEA to develop a provider registration process, which would have paved the way for permanent use of telehealth for controlled substance prescriptions without an in-person telehealth visit, but it hasn't materialized, Ferrante said.

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