

MMAT Telehealth Guidance

Although we understand that organizations must make very difficult decisions right now based on what is best for their staff, patients and community, we sincerely hope all organizations will continue accepting new MMAT patients. The IEHP MMAT consultants have assembled a page of information and resources that you may find useful as you continue providing MMAT services to new and returning patients. Please do not hesitate to contact us with any questions or concerns.

In light of the COVID-19 public health emergency, the Drug Enforcement Agency (DEA) has relaxed the requirements to prescribe controlled substances via Telehealth. These [changes](#) include:

DEA-registered practitioners may begin issuing prescriptions for controlled substances to patients for whom they have not conducted an in-person medical evaluation and may continue this telemedicine practice for as long as the public health emergency designation remains in effect, if all required conditions are met:

- The prescription is issued for a legitimate medical purpose by a practitioner acting in the usual course of his/her professional practice
- The telemedicine communication is conducted using an audio-visual, real-time, two-way interactive communication system, including either televideo and/or telephonic channels
- The practitioner is acting in accordance with applicable Federal and State law

Provided the practitioner satisfies these requirements, the practitioner may issue the prescription using any of the methods of prescribing currently available adhering to DEA regulations, including issuing a prescription electronically or by calling in a prescription to the pharmacy.

The DEA released updated guidance on March 31, 2020 that is aligned with previous guidance released by SAMHSA, allowing the use of telephone visits to prescribe buprenorphine to new patients during the COVID-19 public health emergency. We've excerpted the relevant paragraph below, and you can read the complete announcement [here](#).

“Under normal circumstances, DEA would not consider the initiation of treatment with a controlled substance based on a mere phone call to be consistent with the framework of the CSA given that doing so creates a high risk of diversion. However, in light of the extraordinary circumstances presented by the COVID-19 public health emergency, and being mindful of the exemption issued by SAMHSA, DEA likewise advises that, only for the duration of the public health emergency (unless DEA specifies an earlier date), OTPs should feel free to dispense, and DATA-waived practitioners should feel free to prescribe, buprenorphine to new patients with OUD for maintenance treatment or detoxification treatment following an evaluation via telephone voice calls, without first performing an in-person or telemedicine evaluation.”

The Office for Civil Rights (OCR) at the U. S. Department of Health and Human Services has given [notice](#) that it will NOT enforce rules regarding HIPAA compliance of communication platforms during the public health emergency. Under this Notice, covered health care providers may use popular



applications that allow for video chats, including Apple FaceTime, Facebook Messenger, Google Hangouts, Zoom and Skype or telephonic calls such as Doximity to provide telehealth without risk that OCR might seek to impose a penalty for noncompliance with the HIPAA Rules related to the good faith provision of telehealth during the COVID-19 nationwide public health emergency. Providers are encouraged to notify patients that these third-party applications potentially introduce privacy risks, and providers should enable all available encryption and privacy modes when using such applications. However, Facebook Live, Twitch, TikTok and similar video communication applications are public facing, and should not be used in the provision of telehealth by covered health care providers. Obtaining verbal consent is a necessity in conducting telehealth sessions. A guide to this process, as well as English and Spanish versions, is [available here](#).

The DEA is also working with its federal partners, DEA registrants, and their representative associations to ensure there is an adequate supply of controlled substances and medications in the United States during the COVID-19 pandemic. DEA is in constant communication with controlled substance manufacturers, distributors, and importers, and is unaware of any drug shortages at this time.

SAMHSA's extensive [coronavirus webpage](#) for substance use disorder and mental health providers recognizes the challenges posed by the current COVID-19 situation and provides guidance and resources to assist individuals, providers, communities, and states across the country. Among others, it offers

- [specific guidance on the use of telemedicine while providing Medication Assisted Treatment \(MAT\)](#)
- and [OTP Guidance for Patients Quarantined at Home with the Coronavirus](#)

Any state may request blanket exceptions for all stable patients in an OTP to receive 28 days of Take-Home doses of the patient's medication for opioid use disorder. The state may request up to 14 days of Take-Home medication for those patients who are less stable but who the OTP believes can safely handle this level of Take-Home medication.

Other Resources:

- The Centers for Medicare & Medicaid Services' [General Provider Telehealth and Telemedicine Tool Kit](#)
- The Medicare Learning Network's [TELEHEALTH SERVICES](#)
- The California Telehealth Resource Center's [California Telehealth Resource Center](#)
- CA DHCS' [Telehealth Frequently Asked Questions](#)
- [The Center for Connected Health Policy](#) helps you stay informed about telehealth-related laws, regulations and Medicaid programs.
- [ASAM's Supporting Access to Telehealth for Addiction Services: Regulatory Overview and General Practice Considerations](#)
- [The DEA's Diversion Control Division COVID-19 Information Page](#)
- [COVID-19 National Emergency Response](#)
- [The Coronavirus Pandemic Has Made The Opioid Epidemic Even Worse](#)
- The Center for Care Innovations' Telehealth and Video Collaboration [page](#)

