



Insights

DEA Removes In-Person Examination Requirement for Prescribing Controlled Substances Amid COVID-19 Public Health Emergency

March 18, 2020

By: Stephanie T. Eckerle and

Health care practitioners with valid DEA registrations may prescribe controlled substances via telemedicine while COVID-19 is considered a public health emergency. Generally, a provider may not issue a controlled substance prescription without an in-person medical examination; however, this requirement is temporarily waived under one of the exceptions to the Ryan Haight Online Pharmacy Consumer Protection Act of 2008.

Practitioners must comply with the following when issuing controlled substances via telemedicine:

- The prescription must be issued for a legitimate medical purpose by a practitioner acting in the usual course of his/her profession;
- The telemedicine communication is conducted using an audio-visual, real-time, two-way interactive communication system; and
- The practitioner must also act in accordance with applicable Federal and State law.

Indiana law includes specific requirements for prescribing controlled substances through telemedicine that vary for in and out-of-state prescribers under Ind. Code 25-1-9.5-8 and 9. Practitioners must continue to follow these Indiana laws and related state and federal requirements when prescribing controlled substances through telemedicine despite the DEA's announcement.

Prescribers may issue the prescription in any manner allowed under DEA regulations and state law. This includes issuing the prescription for a Schedule II through V controlled substance electronically, calling in an emergency Schedule II prescription, or by calling in a Schedule III-V prescription to the patient's pharmacy. Practitioners are also advised to review the DEA Practitioner's Manual when prescribing controlled substances. For more DEA guidance as it relates the COVID-19 public health emergency, please see the DEA's COVID-19 Information Page.

If you have any questions regarding telemedicine practices or prescribing requirements for controlled substances, please contact Stephanie T. Eckerle or Alexandria M. Foster.