

Health Update

Buprenorphine prescribing: Elimination of the X-Waiver and Telehealth June 26th, 2023

Elimination of the Buprenorphine X-Waiver

The X-Waiver is no longer required for Drug Enforcement Agency (DEA) registered physicians, nurse practitioners, or physician assistants to prescribe buprenorphine. On December 29, 2022, the signing of the Consolidated Appropriations Act of 2023 (aka, The Omnibus Bill) enacted the Mainstreaming Addiction Treatment (MAT) Act that eliminated the DATA-Waiver Program and removed the need for prescribers to have a waiver to prescribe buprenorphine as well as caps on the number of patients a prescriber can treat with buprenorphine. The DEA released a [statement](#) supporting the removal of the X-Waiver and patient caps as a strategy to increase access to buprenorphine for those in need. An active DEA license is still required to prescribe buprenorphine, and, in Pennsylvania, no current state laws or regulations prohibit prescribers from adopting this change.

Beginning June 27, 2023, all physicians, nurse practitioners, and physician assistants renewing their DEA registration or applying for a new DEA registration will be [required to complete a training](#) on the treatment and management of patients with opioid or other substance use disorder. This requirement was put in place by the passing of the Medication Access and Training Expansion (MATE) Act that requires new or renewing DEA registrants to have completed a total of at least eight-hours of training on opioid or other substance use disorders and the appropriate treatment of pain. This is a one-time requirement that must be completed by the date of a prescribers DEA registration, regardless if it is a new application or an application for renewal. Once completed, this one-time training requirement will not be part of future registration renewals.

There are three ways that prescribers can satisfy this new training requirement:

- 1) Board certification in addiction medicine or addiction psychiatry from the American Board of Medical Specialties, the American Board of Addiction Medicine, or the American Osteopathic Association.
- 2) Graduation in good standing from an allopathic or osteopathic medical, dental, physician assistant or advanced practice nursing school in United States within five years of June 27, 2023, and successful completion of a curriculum that included at least eight hours of training on:

SUMMARY POINTS

- Prescribers currently registered with the DEA do not need a waiver to prescribe buprenorphine.
- Starting June 27th, all prescribers renewing or applying for a new DEA registration will be required to complete training on treatment and management of opioid and substance use disorder.
- Prescribers may treat new patients with buprenorphine following a telehealth evaluation, without an in-person physical exam or encounter, through November 11, 2023.
- For patients who established care on or before November 11, 2023, prescribers may provide treatment with buprenorphine following a telehealth evaluation, without an in-person physical exam or encounter, through November 11, 2024.

- a. Treating and managing patients with opioid or other substance use disorders, including the appropriate clinical use of all medications approved by the Food and Drug Administration for the treatment of a substance use disorder; or
 - b. Safe pharmacological management of dental pain and screening, brief intervention, and referral for appropriate treatment of patients with or at risk of developing opioid and other substance use disorders.
- 3) Complete eight hours of training on treatment and management of patients with opioid or other substance use disorders.
- a. The training does not need to occur in one session and can be cumulative across multiple sessions that equal eight hours of training.
 - b. Trainings completed prior to the enactment of this new requirement can count towards meeting this requirement.
 - c. Past DATA-Waived trainings count towards this new training requirement.
 - d. Trainings can be several formats, such as classroom settings, seminars at professional society meetings, or virtual.
 - e. The following groups may provide trainings to meet this new requirement:
 - The American Society of Addiction Medicine (ASAM)
 - The American Academy of Addiction Psychiatry (AAAP)
 - American Medical Association (AMA)
 - The American Osteopathic Association (AOA), or any organizations accredited by the AOA to provide continuing medical education
 - The American Dental Association (ADA)
 - The American Association of Oral and Maxillofacial Surgeons (AAOMS)
 - The American Psychiatric Association (APA)
 - The American Association of Nurse Practitioners (AANP)
 - The American Academy of Physician Associates (AAPA)
 - The American Nurses Credentialing Center (ANCC)
 - Any other organization accredited by the Accreditation Council for Continuing Medical Education (ACCME) or the Commission for Continuing Education Provider Recognition (CCEPR), whether directly or through an organization accredited by a State medical society that is recognized by the ACCME or CCEPR
 - Any other organization approved or accredited by the Assistant Secretary for Mental Health and Substance Use, the ACCME, or the CCEPR

Buprenorphine Telehealth

On May 9, 2023, the DEA released a [temporary rule](#) extending [telehealth flexibilities](#) for controlled substance prescriptions made under the COVID-19 public health emergency (PHE) until November 11, 2023. In accordance with [PA Act 30 of 2022](#), under this temporary rule the Pennsylvania Department of State regulation at 49 Pa. Code § 16.92(b)(1) requiring an initial physical examination of a patient prior to prescribing buprenorphine for the treatment of opioid use disorder continues to be suspended.

Prescribers may treat new patients with buprenorphine following a telehealth evaluation through November 11, 2023. For any prescriber-patient relationship established on or before November 11, 2023, a one-year grace period will continue through November 11, 2024. This grace period allows prescribers the ability to continue their established telemedicine relationships with patients under the flexibilities that were in place under the COVID-19 PHE, as well as prepare patients for changes in federal regulations. In the meantime, DEA is continuing to carefully evaluate comments received on its [proposed rulemaking](#) to make a form of this flexibility permanent.

Frequently asked questions:

- 1) [Substance Abuse and Mental Health Services Administration \(SAMHSA\) Waiver Elimination \(MAT Act\)](#)
- 2) [DEA Buprenorphine \(MOUD\) Q&A](#)

Resources for completing DEA required training:

- 1) [Health Federation of Philadelphia: Introduction to Buprenorphine Prescribing in Primary Care](#)
 - a. *Next training: July 18, 2023 @ 8:30AM – 4:00PM*
- 2) [Providers Clinical Support System \(PCSS\)](#)
- 3) [SAMHSA Training Requirements \(MATE Act\) Resources](#)
- 4) [American Society of Addiction Medicine \(ASAM\) eLearning](#)
- 5) [American Medical Association Substance Use Disorders and Addiction Education to Meet New DEA Requirements](#)
- 6) [SAMHSA Recommendations for Curricular Elements in Substance Use Disorders Training](#)

Tools and guidance for prescribing buprenorphine:

- 1) [Practice-Based Guidelines: Buprenorphine in the Age of Fentanyl](#)
- 2) [SAMHSA Buprenorphine Quick Start Guide](#)
- 3) [SAMHSA Buprenorphine Quick Start Pocket Guide](#)
- 4) [SAMHSA Practical Tools for Prescribing and Promoting Buprenorphine in Primary Care Settings](#)
- 5) [National Institute of Drug Abuse \(NIDA\): Screening and Assessment Tools Chart](#)
- 6) [SAMHSA Coding for Screening and Brief Intervention Reimbursement](#)
- 7) [SAMHSA Use of Medication Assisted Treatment in Emergency Departments](#)
- 8) [NIDA: Initiating Buprenorphine Treatment in the Emergency Department](#)
- 9) [PCSS Telehealth for Opioid Use Disorder Toolkit: Guidance to Support High-Quality Care](#)
- 10) [ASAM Supporting Access to Telehealth for Addiction Services: Regulatory Overview and General Practice Considerations](#)

Other resources:

- 1) [Office poster for prescribing buprenorphine](#)
- 2) [National Academies of Sciences, Engineering, and Medicine: Medications for Opioid Use Disorder Save Lives](#)