



The United States Department of Justice  
**Drug Enforcement Administration**



# *Telemedicine and the Controlled Substances Act*

*Practitioner Diversion Awareness Conference  
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# Course Objectives

§ Discuss the Ryan Haight Online Pharmacy Consumer Protections Act.

§ Discuss the requirements of prescribing controlled substances using telemedicine under Federal law.

# Course Objectives

§ Discuss the requirements of a telecommunications system when using telemedicine.

§ Discuss practitioners who are exempt from the Ryan Haight Act in-person medical evaluation requirement.

# Course Objectives

**§ Discuss the telemedicine requirements to abide by both state and federal laws.**

# Questions To Discuss

**At the completion of this block of instruction you will be able to answer the following questions:**

- 1. Does the Ryan Haight Act only apply to on-line pharmacies?**

# Questions To Discuss

**2. For a prescription to be valid it must be issued for a legitimate medical purpose in the usual course of professional practice?**

**3. Are you required to have one in-person visit with your patient in order to conduct telemedicine?**



# Questions To Discuss

**4. Does e-mail or fax meet the communication requirements for telemedicine?**

**5. For most practitioners conducting telemedicine the patient must be in:**

- (a) DEA registered hospital/clinic **or****
- (b) in the physical presence of a DEA registered practitioner?**

# **Ryan Haight Online Pharmacy Consumer Protection Act of 2008**

**PL-110-425  
110<sup>th</sup> Congress**

**October 15, 2008**

# “The Ryan Haight Act”

**Amended**

# The Controlled Substances Act

**Basically:**

**Added New Provisions  
to the  
(Controlled Substances Act)**

# Purpose of the Ryan Haight Act

**Prevent  
illegal distribution  
and  
dispensing  
of controlled substances  
by means of the Internet.**

# Controlled Substances Dispensed by Means of the Internet

**21 U.S.C. § 829 (Prescriptions)**

**was amended as follows:**

**No controlled substance may be delivered, distributed, or dispensed without a Valid Prescription**

# Valid Prescription

A prescription issued  
for a

legitimate medical purpose

in the

usual course of professional  
practice



**A Prescription Issued By**  
**A practitioner**  
**who has conducted**  
**at least 1 “in-person medical**  
**evaluation”**  
**of the patient**

# **In-Person Medical Evaluation**

**A medical evaluation that is  
conducted  
with the patient  
in the physical presence of the  
practitioner.**

# In-Person Medical Evaluation

Unless:

*The practitioner is engaged in the practice of Telemedicine*

*\*21 U.S.C. § 829 (e)(3)(A)\**

# TELEMEDICINE

## *“The Basics”*

# TELEMEDICINE

21 U.S.C. § 802 (54)

# Definition of Telemedicine

The practice of medicine  
in accordance with applicable

Federal and State laws

by a practitioner

(other than a pharmacist)

at a location remote from the patient,

and

# Definition of Telemedicine

is communicating with the patient,  
or health care professional  
who is treating the patient,  
using a telecommunications system  
referred to in

**42 C.F.R. § 410.78(a)(3)**

# Telecommunications System

Multimedia communications equipment that includes, at a minimum, audio and video equipment permitting two-way, real time interactive communication between the patient and remote practitioner.



# Telecommunications System

Telephones,  
facsimile machines,  
and electronic mail systems  
do not meet this definition.

# Definition of Telemedicine

(A) is being conducted -

(i) while the patient is being treated by, and physically located in a DEA- registered hospital or clinic and

# Definition of Telemedicine

(ii) by a practitioner -

- (1) acting in the usual course of professional practice;
- (2) acting in accordance with applicable State law; and
- (3) is registered ...in the State in which the patient is located, unless the practitioner (is)-

# Definition of Telemedicine

**(B) is being conducted**

**while the patient is being treated by,  
and in the physical presence of, a  
DEA-registered practitioner.**

# Definition of Telemedicine

a practitioner -

- (1) acting in the usual course of professional practice;
- (2) acting in accordance with applicable State law; and
- (3) is registered ...in the State in which the patient is located, unless the practitioner (is)-

**Minor** “*Exceptions*” for  
*DEA Registration*

**Employee or Contractor of  
Veterans Affairs**

**Indian Health Service**

# **“Exceptions”**

## **Medical Emergency Situation**

### **(Veterans Affairs)**

# **“Exceptions”**

## **Public Health Emergency**



**“Exceptions”**

**Special Registration for  
Telemedicine**

# “Exceptions”

**Other Circumstances** determined  
by the Attorney General and the  
(HHS) Secretary...

# How Can You Do Telemedicine?

- (1) Patient is in a DEA Registered Hospital**
- (2) Patient is in the Physical Presence of a DEA Registered Practitioner**
- (3) DEA Registered Practitioner Travels to the Residence or Other Physical Location of the Patient**

# How Can You Do This?

- (4) Rent an Office and Have Your Patients Go to the Office Where the DEA Registered Practitioner is Located.**
- (5) Mobile Van (DEA Registered Practitioner on Board)**

AMRITA INSTITUTE OF MEDICAL SCIENCES

**AMBULANCE  
MOBILE TELEMEDICINE UNIT I**

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# Post Questions

**1. Are you required to have one in person visit with your patient in order to conduct telemedicine?**

**A. Yes**

**B. No**



# Post Questions

**2. Does e-mail or fax meet the communication requirements for telemedicine?**

**A. Yes**

**B. No**

# Post Questions

**3. The Ryan Haight Act only applies to on-line pharmacies.**

**A. True**

**B. False**

# Post Questions

**4. For a prescription to be valid it must be issued for a legitimate medical purpose in the usual course of professional practice?**

**A. True**

**B. False**

# Post Questions

**5. For most practitioners conducting telemedicine the patient must be in (a) DEA registered hospital/clinic **or** (b) in the physical presence of a DEA registered practitioner?**

**A. True**

**B. False**

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# *Thank You*

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