



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?**

# Questions To Discuss

6. **When conducting telemedicine does the remote practitioner need to have a DEA registration in the state where the patient is located?**

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

**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”*

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

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



# Definition of Telemedicine

is being conducted -

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

# Definition of Telemedicine

by a practitioner -

- acting in the usual course of professional practice;
- acting in accordance with applicable State law; and
- is registered ...in the State in which the patient is located,

# Definition of Telemedicine

is being conducted -

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

# Definition of Telemedicine

by a practitioner -

- acting in the usual course of professional practice;
- acting in accordance with applicable State law; and
- is registered ...in the State in which the patient is located,

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

- **Employee or Contractor of Veterans Affairs**
- **Indian Health Service**

# “Exceptions”

- **Medical Emergency Situation**  
**(Veterans Affairs)**
- **Public Health Emergency**

# “Exceptions”

- **Special Registration for Telemedicine**
- **Other Circumstances** determined by the Attorney General and the (HHS) Secretary...

# The Remote Practitioner

The remote practitioner must be registered with the  
DEA:

1. In the state where they are physically located;
- and
2. In every state where the patient is located

21 U.S.C. § 822 (e)(1), 21 C.F.R. § 1301.12(a),  
71 FR 69478, December 1, 2006



# 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)**



# 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. When conducting telemedicine does the remote practitioner need to have a DEA registration in the state where the patient is located?**

**A. Yes**

**B. No**

# Post Questions

**5. 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

**6. 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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