

Provider Bulletin

Molina Healthcare of California

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DEA Announces Three New Telemedicine Rules That Continue to Open Access to Telehealth Treatment While Protecting Patients

This is an advisory notification to Molina Healthcare of California (MHC) network providers applicable to the Medi-Cal and Medicare lines of business.

WASHINGTON – The U.S. Drug Enforcement Administration (DEA) is announcing three new rules to make permanent some temporary telemedicine flexibilities established during the COVID-19 public health emergency while also establishing new patient protections.

What you need to know:

In developing these rules, DEA has focused on the patient to ensure telemedicine is accessible for medical care. Importantly, these rules do not apply to telemedicine visits in which a patient has already been seen in-person by a medical provider. Once a patient has had an in-person visit with a medical provider, the medical provider may prescribe any medications through telemedicine indefinitely. Also, if a telemedicine visit does not involve a patient being prescribed medications, then the telemedicine rules do not apply. Patients can always have telemedicine visits with medical providers. These rules only apply if a patient has never been seen in-person by the medical provider and the patient is being prescribed controlled medication.

Expansion of Buprenorphine Treatment via Telemedicine Encounter

This rule provides patients with remote access to buprenorphine, the medicine used to treat opioid use disorder. This change allows a patient to receive a 6-month supply of buprenorphine through a telephone consultation with a provider. Further prescriptions of buprenorphine will require an in-person visit to a medical provider.

For more information: [Expansion of buprenorphine treatment via telemedicine encounter — Federal Register](#)

Provider Action

For more information, please visit:

- [DEA Announces Three New Telemedicine Rules that Continue to Open Access to Telehealth Treatment while Protecting Patients](#)
- [Expansion of Buprenorphine Treatment via Telemedicine Encounter](#)
- [Special Registrations for Telemedicine and Limited State Telemedicine Registrations](#)
- [Continuity of Care via Telemedicine for Veterans Affairs Patients](#)
- [A third temporary extension of COVID-19 Telemedicine Flexibilities last year extended the temporary rule until December 2025](#)

What if you need assistance?

If you have any questions regarding the notification, please contact your [Molina Provider Relations Representative](#).



Special Registrations for Telemedicine and Limited State Telemedicine Registrations

This proposed rule would establish special registrations that will permit a patient to receive prescribed medications through telemedicine visits without ever having an in-person medical evaluation from a medical provider. The special registration is available to medical providers who treat patients for whom they will prescribe Schedule III-V controlled substances. An Advanced Telemedicine Prescribing Registration is available for Schedule II medications when the medical practitioner is board certified in one of the following specialties: psychiatrists; hospice care physicians; physicians rendering treatment at long term care facilities, and pediatricians for the prescribing of medications identified as the most addictive and prone to diversion to the illegal drug market. This regulation allows specialized medical providers to issue telemedicine prescriptions for Schedule II-V medications.

DEA is seeking public comment on additional medical specialists that should be authorized to issue Schedule II medications. Public comments will also be requested on additional patient protections for the prescribing of Schedule II medications by telemedicine, including whether the special registrant should be physically located in the same state as the patient being prescribed schedule II medications; whether to limit schedule II medications by telemedicine to medical practitioners whose practice is limited to less than 50% of prescriptions by telemedicine; and the appropriate duration needed for the rules' provisions to be enacted.

For the first time online platforms that facilitate connections between patients and medical providers that result in the prescription of medications will be required to register with DEA. This is critical as DEA has found some unscrupulous medical providers on online platforms have used flexible telemedicine rules to put profit ahead of the well-being of patients.

The special registration rule will also require the establishment of a national PDMP to help the health industry protect against abuse and the diversion of controlled substances into the illegal drug market. A national PDMP will provide pharmacists and medical practitioners with visibility of a patient's prescribed medication history.

For more information: [Special registrations for telemedicine and limited-state telemedicine registrations — Federal Register](#)

Continuity of Care via Telemedicine for Veterans Affairs Patients

An additional rule was done in consultation with the U.S. Department of Veterans Affairs (VA). It exempts VA practitioners from Special Registrations requirements. Once a patient has received an in-person medical examination from a VA medical practitioner, the provider-patient relationship is extended to all VA practitioners engaging in telemedicine with the patient.

For more information: [Continuity of Care via Telemedicine for Veterans Affairs Patients — Federal Register](#)

The new rules were developed in consultation with the U.S. Department of Health and Human Services and after significant input from the public. DEA received input during public listening sessions that were hosted by DEA in September 2023. Healthcare practitioners, experts, advocates, and patients shared their experiences and recommendations. DEA also carefully reviewed and considered the more than 38,000 comments from the public in response to the original draft rule that was proposed on March 1, 2023. As a result of the comments and listening session, DEA has now made significant revisions to the draft rules.

These rules are a result of the temporary rules to prescribe medications via telemedicine that were adopted during the COVID-19 public health emergency. A third temporary extension of COVID-19 Telemedicine Flexibilities last year extended the temporary rule until December 2025.

For more information: [Third Temporary Extension of COVID-19 Telemedicine Flexibilities for Prescription of Controlled Medications — Federal Register](#)

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