

## Insights

### Ability to Prescribe Buprenorphine Expanded to Mid-Level Practitioners

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On January 23, 2018, the U.S. Drug Enforcement Administration (“DEA”) issued a final rule announcing another step to increase opioid addiction treatment.<sup>[1]</sup> Effective January 22, 2018, nurse practitioners (“NP”) and physician assistants (“PA”) are eligible to become DATA-Waived “qualifying practitioners”, which gives them the authority to prescribe and dispense buprenorphine, the opioid maintenance drug, from their offices. Note, this expansion is only temporary through October 1, 2021.

This change was required by the Comprehensive Addiction and Recovery Act (“CARA”) of 2016 which amended the Controlled Substances Act (“CSA”) to expand the categories of practitioners who may dispense narcotics for the purpose of maintenance or detoxification treatment. In order for a NP or PA to meet the definition of a “qualifying other practitioner” eligible to dispense a narcotic drug in Schedule III, IV, or V for the purpose of maintenance or detoxification treatment, the practitioner must meet the following requirements set forth in 21 USC 823(g)(2)(G)(iv): (i) be licensed under State law to prescribe schedule III, IV, or V medications for the treatment of pain; (ii) complete not fewer than 24 hours of initial training; and (iii) be supervised by, or work in collaboration with, a qualifying physician, if required by State law.

Up to this point only qualified physicians could dispense a narcotic drug in Schedule III, IV, or V for the purpose of maintenance or detoxification treatment without being separately registered as a narcotic treatment program. Because many physicians only served in urban counties, patients in rural areas had difficulty accessing the care they needed, thereby requiring them to travel long distances for such care. Therefore, this expansion to mid-level practitioners will allow individuals to get the treatment they need, particularly in rural, underserved areas.

If you have any questions related to the DEA’s final rule, please contact Stephanie T. Eckerle at [seckerle@kdlegal.com](mailto:seckerle@kdlegal.com), Meghan M. Linvill McNab at [mmcnab@kdlegal.com](mailto:mmcnab@kdlegal.com), or your regular Krieg DeVault attorney.

[1] Federal Register (83 FR 3071 (Jan 23, 2018)); <https://www.federalregister.gov/d/2018-01173>.