

Online Prescribing in a Post-Pandemic World

2022 Solutions for 2022 Problems



Ryan Haight Act (RHA) Era

2008

In 2008, Congress passed the Ryan Haight Act (RHA), which regulates online prescribing of controlled substances (CS) by requiring DEA-licensed practitioners to evaluate a patient in-person before prescribing CS.

► Telehealth Outpaced RHA

When RHA was enacted, telehealth was not a mainstream form of health care delivery, and only few states authorized practitioners to provide telehealth services. However since 2008, telehealth use has surged. Although RHA includes a "practice of telemedicine" exception, the exception is narrow and severely restricts patient's access to legitimate, necessary medications and care.

► RHA's Restrictions Impact Real Patients

An individual with a disability needs to see a provider for panic attacks but lacks transportation options...

A young person in recovery struggles to meet the in-person demands of Medication-Assisted Treatment (MAT) because of her work schedule...

A child needs medication for his ADHD but lives in a medical desert...

► Resolve the Restrictions Through a Special Registration Process

DEA has the authority under RHA to create a special registration process, which would allow licensed practitioners to prescribe CS through telehealth to their patients without first conducting an in-person medical evaluation. DEA is equipped to fulfill this urgent need and has support to do so:

- Congress has directed DEA on multiple occasions to implement this process.
- Bipartisan legislation such as the TREATS Act has provided for a special registration pathway.



PROBLEMS

Once the Drug Enforcement Administration's (DEA) public health emergency waiver terminates, many patients who take controlled substances for legitimate medical purposes will not have access to these medications through telehealth without first undergoing an in-person medical evaluation.

Illegal online sales of Rx drugs continue to surge, causing significant harm to public health by duping unsuspecting people into purchasing fraudulent—and sometimes deadly—medications. RHA under the existing DEA waiver cannot address this threat.

SOLUTIONS

DEA leverages its statutory authority to **establish a special registration process** that permits licensed practitioners to prescribe controlled substances through telehealth without an initial in-person visit.



Support and enact the DRUGS Act—the only bill that protects Americans against digital drug dealers selling misbranded, unapproved, and counterfeit drugs.

OUTCOMES



Increase access to treatment.



Advance equity.



Address health disparities.



Stop illegal online drug sales.



Fight diversion.



Curb the ongoing addiction crisis.

Prevent abuse. Prevent overdose. **Save Lives.**

2020

Prescribing During the Pandemic

COVID-19 prompted DEA to waive RHA's in-person requirements during the public health emergency (PHE) in response to the need to deliver care virtually.

► Benefits and Outcomes of the PHE Waiver

Increased Patient Access

Emerging evidence revealed that the waiver period strengthened individual and public health. Both providers and patients note substantial benefits from expanded access to CS prescribing through telehealth, including:



Increased Patient Engagement



Satisfaction



Retention



Enhanced Care Continuity

No Evidence of Increased Diversion or Abuse

Studies have shown that areas with **restricted** access to MAT experience **higher** rates of diversion since diverted CS are most frequently relied upon to prevent withdrawal.

Despite these promising outcomes of expanded prescribing practices of CS through telehealth, the waiver is a temporary solution to the limitations RHA poses.

Once the Waiver Ends

Millions are at risk of losing access to their necessary, legitimate prescription medications.

We Need a Permanent Solution

A special registration process would allow practitioners to continue remote prescribing in a safe and effective way without regressing to a pre-PHE era in which patients could not access necessary prescriptions.

2022+

A New Tool to Address Today's Internet Drug Problem

The Ryan Haight Act was and is aimed at curbing the illegal online sale of CS. Unfortunately, that problem has persisted and expanded in recent years - with hundreds of websites and social media accounts being used to offer CS illegally to Americans.

We need a new tool to combat this continued danger.

► Protecting patients from illegal online drug sales

Americans have increasingly turned to the internet to access their healthcare needs - including getting their medications. Unfortunately, 95% of online pharmacies are not compliant with US law, illegally selling prescription drugs and controlled substances online.

These criminal actors refuse to abide by the rules that are designed to foster legitimate activity on the internet, and instead help to create an atmosphere of lawlessness that adversely puts the health of millions of Americans in danger. Historically, DEA and Congress sought to restrict online prescribing of CS (via telemedicine) in order to steer patients away from these illegal actors and prevent diversion and abuse. Sadly, the problem persists. With the digitization of consumerism and healthcare on the rise, this is no longer a viable answer.

We need a new law to address today's public health threats. The DRUGS Act helps shut down illegal online drug sellers while also not restricting patient's access to otherwise legitimate telehealth. Internet drug dealers set-up their virtual shop on websites that are licensed by US domain name registries and registrars. Unfortunately these internet entities fail to enforce their own terms and conditions that prohibit sites they license to be used to conduct illegal activity. These virtual drug shops need to be shutdown and the registries and registrars have the ability to do it.

If the Problem is Not Addressed

Online pharmacies that operate illegally to sell these counterfeit pills fuel our nation's ongoing overdose and addiction epidemic.

We have the DRUGS Act, a 2022 solution, to fight this imminent threat.

The DRUGS Act (S 3399 / HR 6352) is a bipartisan, bicameral bill that would require domain name registries to lock, within 24 hours, and suspend, within 7 days, domains upon notice from a trusted notifier—such as FDA, DHS, and state boards of pharmacy—that these domains are facilitating illegal sales of prescription drugs.

Learn more at buysaferx.pharmacy *It's time to fix this and promote internet accountability.*