



COVID WAIVERS EXPIRED 12/31/2021

What is the Impact?

With the state of emergency ending on December 31, 2021, this also terminated all of the temporary emergency waivers that were put in place by the Bureau of Narcotics and Dangerous Drugs.

1. All statutes and regulations regarding controlled substance activities are in full effect. There are no exceptions or exemptions or waivers in place.
2. All practitioners who are physically entering the state of Missouri and practicing with any controlled substance activities must have a state professional license first and then a state drug registration from BNDD.
3. **Out-of-State Practitioners Prescribing by Telemedicine in Missouri**
 - This pertains to the prescribing of controlled substances only and does not apply to non-controlled substances.
 - A practitioner must have a Missouri professional license before conducting any activities with controlled substances. (*Sections 195.030 and 195.070, RSMo*)
 - A practitioner must have a Missouri State Controlled Substances Registration from the BNDD before conducting any activities with controlled substances. (*Section 195.030, RSMo*)
 - This Missouri registration must be at a physical Missouri practice location where patient care occurs and controlled substance activities take place. A post office box is not allowed. The BNDD is not authorized to register a practitioner at an out of state address. (*19 CSR 30-1.019*)
 - Before any medicine or treatment may be provided via telemedicine, there must first be a face to face, in-person, physical exam as required in Section 334.108, RSMo.

Practitioners who are already physically located in Missouri and have a state drug registration at a Missouri address should not be impacted by this. The patient records would be available for inspection at your primary practice location where patient care occurs.

For out-of-state practitioners not located in Missouri—You may use the address of the Missouri hospital or clinic/office where the patient went for your physical exam and where the patient charts are located and available for copying and inspecting.

DEA Information as of January 1, 2022:

The federal DEA still has some waivers in place regarding telemedicine. It is not known how long these waivers will be in place. Practitioners may visit the DEA website at www.deadiversion.usdoj.gov to review current COVID waivers. The DEA has a statute in place that requires patients to be in a hospital or DEA registered facility and/or in the presence of another DEA registrant when receiving a controlled substance prescription via telemedicine. This prohibits patients from receiving controlled substance prescriptions via the internet or "skype" in their homes. This requirement has been temporarily waived by the DEA. When this federal waiver ends, patients will have to go to a DEA registered hospital, or office/clinic and be in the presence of a DEA registrant to receive a controlled substance via telemedicine. Out of state practitioners not located in Missouri can get a Missouri registration at the physical Missouri address of this registered hospital or office/clinic where the physical exams took place and patient records are maintained.

4. **Electronic Prescribing of Controlled Substances:**

Section 195.550, RSMo requires all controlled substance prescriptions to be issued via electronic prescribing. There are approximately eight exceptions to this. The implementation of this law was waived and delayed during the Covid state of emergency. Now the state of emergency has ended, the requirement for electronic prescribing is in full effect. For more complete information, visit the BNDD website at <https://health.mo.gov/safety/bndd> and click on the link to Electronic Prescribing at the top of the BNDD homepage. Practitioners who are seeking a waiver may fill out the application provided and email it to the specific email address provided on the application.

The bureau will make updates to their website if there are any changes in state waivers, statutes or regulations.



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