

Paradigm Labs is doing its part to support healthcare providers and their patients during the COVID-19 Public Health Emergency (COVID-19 PHE). To this end, Paradigm Labs has developed a drug testing platform that allows providers and patients to engage in oral fluid drug testing facilitated by a telemedicine “visit.”

The U.S. Drug Administration has activated the public health emergency provision of the Ryan Haight Act, thereby allowing DEA registrants to prescribe controlled substances without an in-person medical exam of the patient for the duration of COVID-19 PHE and subject to the additional requirements set forth below.

It is important to note that some states may adopt stricter controlled substance prescribing requirements during COVID-19 PHE, such as prohibiting the use of telemedicine to prescribe Schedule II controlled substances. **We encourage you to review your state materials and seek out legal counsel if you have questions about prescribing controlled substances via telemedicine in Arizona.**

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## DEA & TELEMEDICINE

The U.S. Drug Enforcement Administration, Office of Diversion Control (DEA) issued [guidance](#) permitting DEA-registered practitioners to prescribe controlled substances **without an in-person medical exam of the patient for the duration of the COVID-19 public health emergency**. To issue such prescriptions without an in-person exam, a DEA-registered practitioner must meet the following requirements:

- The prescription is for a legitimate medical purpose by a practitioner acting in the usual course of his/her professional practice;
- **The telemedicine communication with the patient is conducted using an audio-visual, real-time, two-way interactive communication system;** and
- The practitioner is acting in accordance with applicable Federal and State laws.

Practitioners may either (1) issue electronic prescriptions for Schedule II through V controlled substances, (2) call a pharmacy with an emergency prescription for a Schedule II controlled substance, or (3) call a pharmacy for any other prescription for a Schedule III-V controlled substance.

## ARIZONA MEDICAL BOARD, CONTROLLED SUBSTANCES AND TELEMEDICINE:

**Executive Order 2020-15, issued 3/26/2020,**

- (1) requires health care insurance companies to expand telemedicine coverage for all services that would normally be covered for an in-person visit;
- (2) requires all Medicaid plans in the State of Arizona to cover all health care services that are covered benefits to be accessible by telemedicine to AHCCCS members, while prohibiting those plans from discounting rates for services provided via telemedicine; Includes all electronic means of delivering telehealth including telephone and video calls;
- (3) Ensures that a patient’s home is considered an approved location to receive telemedicine services; and
- (4) **Prohibits a regulatory board from requiring a medical professional who is authorized to write prescriptions to conduct an in-person examination of a patient prior to the issuance of a prescription.**

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**CRITICAL RESOURCES:**

DEA Diversion: <https://deadiversion.usdoj.gov/coronavirus.html>, accessed 3/26/2020.

**RESOURCES: EXECUTIVE ORDER 2020-15**

[https://www.azmd.gov/MinutesUploads/Press/MD\\_202003251615\\_eaf45e4e449849669301893cede7339a.pdf](https://www.azmd.gov/MinutesUploads/Press/MD_202003251615_eaf45e4e449849669301893cede7339a.pdf).

SEE EMERGENCY DECLARATION

SEE EXECUTIVE ORDERS: 2020-2, 2020-7, 2020-12, 2020-15

**ARIZONA MEDICAL BOARD:** <https://www.azmd.gov/>. ALL EXECUTIVE ORDERS IN CLIENT LIBRARY.

**ARIZONA DEPARTMENT OF HEALTH SERVICES:** <https://azdhs.gov/preparedness/epidemiology-disease-control/infectious-disease-epidemiology/index.php#novel-coronavirus-home>.

**CMS – COVID19 – Telemedicine:** <https://www.cms.gov/files/document/03052020-medicare-covid-19-fact-sheet.pdf>

**CDC – COVID19 – Healthcare Providers:**

<https://www.cdc.gov/coronavirus/2019-nCoV/hcp/index.html>, accessed 3/26/2020.