

NORTH CAROLINA

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.” See **Paradigm Benchmark OFT® Sheet**.

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. **If you have questions about prescribing controlled substances via telemedicine in North Carolina, contact your licensing board and/or legal counsel.**

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.

CRITICAL RESOURCES:

DEA Office of Diversion Control:

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

NORTH CAROLINA MEDICAL BOARD, CONTROLLED SUBSTANCES AND TELEMEDICINE:

The North Carolina Medical Board (NCMB) takes the position that “[i]f it is possible to gather sufficient clinical information from the patient during a telemedicine consultation to provide care that meets at least minimum accepted standards of care, then the Board [will] consider it appropriate to use telemedicine. Read the NCMB’s [telemedicine position statement](#).

Prescribing medications following a telemedicine consultation is a more complex issue, especially when the prescriber determines that controlled substances are indicated. The federal Drug Enforcement Administration (DEA) regulates controlled substances prescribing. DEA has posted information on its website stating that it will not enforce restrictions on prescribing controlled substances via telemedicine during the national state of emergency related to the coronavirus disease 2019 pandemic. **NCMB strongly encourages its licensees to read the DEA’s guidance before implementing any changes to how they manage patients.**

NCMB makes clear:

The standards of care continually shift based on the context in which medicine is practiced. NCMB recognizes that standards of care in a pandemic may change as the necessity to triage and manage limited resources escalates. **To the extent circumstances allow, documenting deviations from typical standards of care**

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may be helpful. The main focus is on patient safety. “To the extent documenting care hampers a physician’s ability to care for patients, the Board is unlikely to press licensees on this point.”

CRITICAL RESOURCES:

NORTH CAROLINA MEDICAL BOARD:

<https://www.ncmedboard.org/resources-information/professional-resources/publications/forum-newsletter/notice/use-of-telemedicine-amid-covid-19-concerns>, accessed 03-30-2020.

NORTH CAROLINA MEDICAL BOARD – TELEMEDICINE POSITION STATEMENT:

<https://www.ncmedboard.org/resources-information/professional-resources/laws-rules-position-statements/position-statements/telemedicine>.

CDC – COVID19 – Healthcare Providers:

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

CONTACT PARADIGM LABS: