



June 1, 2022

Ms. Leigh M. Chapman
Acting Secretary of the Commonwealth of Pennsylvania
Pennsylvania Department of State
401 North Street
Harrisburg, PA 17120

**RE: ATA ACTION COMMENTS ON MEDICATION-ASSISTED TREATMENT BY
TELEMEDICINE AND THE EXPIRATION OF PROFESSIONAL LICENSING
WAIVERS IN PENNSYLVANIA**

Dear Acting Secretary Chapman:

On behalf of ATA Action, I am writing to express concern about potential consequences for Pennsylvanians receiving medication-assisted treatment (MAT) via telemedicine resulting from the expiration of the Department of State's professional licensure waivers.

ATA Action, the American Telemedicine Association's affiliated trade association focused on advocacy, advances policy to ensure all individuals have permanent access to telemedicine services across the care continuum. ATA Action supports the enactment of state and federal telemedicine coverage and fair payment policies to secure telemedicine access for all Americans, including those in rural and underserved communities. ATA Action recognizes that telemedicine and virtual care have the potential to transform the health care delivery system – by improving patient outcomes, enhancing safety and effectiveness of care, addressing health disparities, and reducing costs – only if allowed to flourish.

On September 4, 2020, the Pennsylvania Department of State, in line with Governor Wolf's Proclamation of Emergency Disaster Declaration issued in March of that year, suspended the initial physical examination requirement for patients being prescribed buprenorphine, a partial opioid agonist used to treat opioid use disorder. The Department cited the pandemic's curtailing of many in-person interactions, including medical examinations, as a "potentially insurmountable barrier" to patients accessing MAT.

While Pennsylvania's COVID-19 emergency expired in June of 2021, several professional licensure waivers – including that exempting patients receiving MAT from the in-person examination requirement – remained in effect. However, the Department of State announced on May 4, 2022 that all surviving waivers from the COVID-19 emergency would expire starting May 23.

The waiver relating to MAT is set to expire on June 30. ATA Action is concerned that the abrupt expiration of the MAT-related waiver will leave patients without access to the prescriptions they need to realize full recoveries.

ATA ACTION

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The flexibilities afforded to Pennsylvania physicians by the waiver enabled them to prescribe buprenorphine safely and remotely using telemedicine technologies, increasing access to clinically appropriate medications in a safe and effective manner. These flexibilities are particularly vital to patients in Pennsylvania. Opioid use disorder has been [described](#) by the Department of Health as “the worst public health crisis in Pennsylvania,” and drug-related deaths [spiked](#) dramatically in 2020 after the onset of the pandemic.

Safe and permissive telemedicine policies – including those regarding the prescription of MAT medications online – would help physicians in the state address Pennsylvania’s opioid epidemic and broaden access to medication-assisted treatment. For instance, the Journal of Substance Abuse Treatment published a study on two harm reduction primary care programs providing buprenorphine treatment for opioid use disorder via telemedicine. The study found the removal of the in-person requirement greatly increased access to care and addressed health inequities.

Consequently, we ask that the Department exercise enforcement discretion concerning provisions found at 49 Pa. Code § 16.92(b)(1) regarding the in-person physical examination requirement for patients being prescribed controlled substances. Such discretion would grant Pennsylvania patients currently receiving their MAT service via telemedicine a grace period during which they could locate local, brick-and-mortar practices from which they will receive their prescriptions going forward.

Thank you for the opportunity to comment. Please let us know if there is anything that we can do to assist you in your efforts to adopt practical telemedicine policy in Pennsylvania. If you have any questions or would like to engage in additional discussion regarding the telemedicine industry’s perspective, please contact me at kzebley@ataaction.org.

Kind regards,

A handwritten signature in black ink, appearing to read "Kyle Zebley", is written over a light gray circular watermark.

Kyle Zebley
Executive Director
ATA Action