



March 26, 2024

Jason Jones
Executive Director
Georgia Composite Medical Board
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Atlanta, GA 30334
Jason.jones@dch.ga.gov

CC:
Kimberly Emm
Deputy Director & Legal Counsel
Kimberly.lemieux@dch.ga.gov

RE: ATA ACTION COMMENTS ON EXTENSION OF PRESCRIBING FLEXIBILITY

Dear Executive Director Jones,

On behalf of ATA Action, I am writing to request the Georgia Composite Medical Board delay its May 1st effective date for ending its flexible remote prescribing period and afford telemedicine providers a three-month extension period following any updated prescribing guidance issued by the Board after its April meeting. This would reflect the three-month period telemedicine providers would have had to respond to new guidance published after the February 1 meeting, as indicated in the Board’s January announcement.

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

We appreciate the Board’s ongoing dialogue with stakeholders the since the Board’s [January 10th Press Release](#) extending the flexibilities for prescribing controlled substances via telehealth until May 1st. As prior ATA Action correspondence has made clear, as well as comments from other stakeholders, both Board comments and gaps in rule language have left providers and many of our members uncertain as to when a controlled substance may be prescribed under the existing Georgia regulations. Although Board rule 360-3-.07 indicates controlled substances prescribing without a prior in-person examination is unprofessional conduct when prescribed “for the treatment of pain or chronic pain,” the Board’s public statements have at times suggested that

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perhaps all telemedicine-controlled substance prescribing “require[s] a patient to be examined once in-person prior to an initial prescription being issued for a controlled substance.”¹ Resolving this longstanding ambiguity is critical and will have a broad impact on Georgia patients’ continued access to medically necessary medications via telemedicine.

In its January press release, the Board appeared to recognize the need for further guidance as to how the Board is interpreting its telemedicine controlled substance regulations and stated that it would be “developing some answers to frequently asked questions about telemedicine and tele-prescribing which will be published on the Board’s website after the next meeting (Feb. 1).”² This clarity would have given providers a critical three-month period between February and May to appropriately respond to the updated guidance and to either continue with original patient treatment plans or coordinate with patients on in-person care options as necessary.

Yet, as of the date of this letter, the Board has not published this updated guidance. This means that providers will have *at most* a few weeks to respond and coordinate with patients if the Board publishes the FAQs after the upcoming April meeting and holds to its May 1st enforcement deadline. Therefore, we ask that the Board give providers and patients the crucial three-month grace period they would have had if the Board had published the updated guidance in early February as planned.

Again, ATA Action thanks the Board for its consideration of our comments and its willingness to work with the telehealth community in order to provide the best quality care for Georgia patients. Please let us know how we can be helpful in your efforts to adopt practical telemedicine policy in Georgia. If you have any questions or would like to discuss the telehealth industry’s perspective further, please contact me at kzebley@ataaction.org.

Kind regards,

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

Kyle Zebley
Executive Director
ATA Action

¹ Press release, *Board extends tele-prescribing flexibility until May 1*, GCMB (Jan. 10, 2024), <https://medicalboard.georgia.gov/press-releases/2024-01-10/board-extends-tele-prescribing-flexibility-until-may-1>.

² *Id.*