

November 26, 2024

Dr. Sreenivasulu Gangasani, Chair
Georgia Composite Medical Board
2 MLK Jr. Drive SE
East Tower, 11th Floor
Atlanta, Georgia 30334



Sent Via Email:
sreenivasulu.gangasani@dch.ga.gov

RE: Extension of DEA Flexibilities for Telehealth Prescribing

Dear Dr. Gangasani:

Since the COVID-19 public health emergency, the Georgia Composite Medical Board (GCMB or the "Board") and the U. S. Drug Enforcement Administration (DEA) have provided physicians and other practitioners with regulatory flexibility to prescribe schedule II-V controlled substances via telemedicine without first seeing the patient for an in-person exam. This has helped increase access to primary and specialty care for tens of thousands of patients across the state. **The DEA, jointly with the U.S. Department of Health and Human Services, has now [extended](#)¹ its flexibilities until the end of 2025, and GHA respectfully requests the Board do the same.**

According to the DEA, an extension is necessary "to ensure a smooth transition for patients and practitioners that have come to rely on the availability of telemedicine for controlled medication prescriptions," while it continues its work to publish a final rule.² Specifically:

This additional time will allow DEA (and also HHS, for rules that must be issued jointly) to promulgate proposed and final regulations that are consistent with public health and safety, and that also effectively mitigate the risk of possible diversion. Furthermore, this Third Temporary Rule will allow adequate time for providers to come into compliance with any new standards or safeguards eventually adopted in a final set of regulations.³

After initially rescinding its teleprescribing flexibilities at the end of 2023,⁴ the Board acknowledged the lack of clarity regarding its rules for teleprescribing and the importance of providing physicians and other practitioners clear guidance prior to terminating the current

¹ [Third Temporary Extension of COVID-19 Telemedicine Flexibilities for Prescription of Controlled Medications](#), 89 Fed. Reg. 91253 (Nov. 19, 2024).

² The federal *Ryan Haight Act of 2008* placed restrictions on the ability to prescribe controlled substances without first performing an in-person exam of the patient. The U.S. Congress instructed the DEA in the *SUPPORT for Patients and Communities Act* to establish a "special registration" process by October 2019 that would allow practitioners to prescribe controlled substances without an in-person examination.

³ 89 Fed. Reg. at 91254.

⁴ [Monthly Board Meeting Minutes](#), Georgia Composite Medical Board (Dec. 7, 2023), page 2.

Georgia Hospital Association

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flexibilities.^{5 6} This same lack of clarity continues to exist. Continuing to recognize the teleprescribing flexibilities afforded by the DEA is needed to allow the Board time to conduct a review of its telemedicine regulations and make any necessary updates. **If the Board is unwilling to extend its teleprescribing flexibilities until the end of 2025 to correspond with the DEA extension, we respectfully request the Board at least extend its flexibilities until it is able to review and clarify its telemedicine regulations.**

GHA appreciates the Board's urgent attention to this matter, and we look forward to working toward a solution with the Board that balances the need to increase access to care with the need to protect patients from harm.

Sincerely,



Keri F. Conley
General Counsel &
Chief Health Policy Officer

cc: Jason Jones, Executive Director, GCMB

⁵ See, [GHA Teleprescribing Letter](#) (Dec. 20, 2023).

⁶ The Board first extended its teleprescribing flexibilities until May 1, 2024, and then extended them again upon advice of its legal counsel until Dec. 31, 2024. [Monthly Board Meeting Minutes](#), Georgia Composite Medical Board (Jan. 4, 2024); [Board rescinds decision to end tele-prescribing flexibilities allowed by the Drug Enforcement Administration](#), Georgia Composite Medical Board, News Release (April 5, 2024).