Addressing Substance Use Disorders: Expanding Medication-Assisted Treatment

**Background**
Substance use disorders (SUD) affect over 20 million Americans ages 12 and older.\(^1\) According to the Centers for Disease Control and Prevention (CDC), during 2020, over 93,000 overdose deaths occurred in the United States (U.S.), a 29% increase from the previous year.\(^2\) It is estimated that two million people have an opioid use disorder (OUD), yet only 20 percent of the individuals with an OUD receive specialty SUD treatment.\(^3\)

Medication-assisted treatment (MAT), the use of medications along with behavioral therapy, is an effective treatment for patients with a SUD or OUD. However, access to MAT is limited for patients. Under current law, providers must receive a waiver, known as the X-Waiver, from the Drug Enforcement Administration (DEA) to prescribe buprenorphine to treat OUD. Unfortunately, less than six percent of eligible practitioners are able to prescribe the medication due to the waiver.\(^4\) It also is important to note that DEA-licensed providers do not have a similar requirement imposed to prescribe opioids for pain. The existence of the X-Waiver fuels the stigma of treating OUD. Additionally, according to a January 2020 report by the U.S. Department of Health and Human Services (HHS) Inspector General, 40 percent of U.S. counties do not have a single provider that can prescribe buprenorphine in an office setting.\(^5\)

In addition to the X-Waiver requirement, the Ryan Haight Online Pharmacy Consumer Protection Act of 2008 (Ryan Haight Act) also directly influences access to MAT. This Act amended the Controlled Substances Act to require that the prescribing physician conduct an in-person evaluation before a provider can issue a prescription for a controlled substance. This includes prescribing buprenorphine, one of three FDA-approved medications indicated for the treatment of OUD. While the Ryan Haight Act does allow some telehealth exceptions, including a special registration obtained from the DEA, these are limiting and have not helped to address the increasing need for treatment. A provision in the Substance Use
Disorder Prevention that Promotes Opioid Recovery and Treatment (SUPPORT) Act required that the DEA issue a regulation by October 24, 2019, outlining for providers a special registration to prescribe controlled substances; however, the Administration has not yet created that registration process for this exemption. This exception could be designed to better address patient need and access to MAT.

While flexibilities implemented during the COVID-19 pandemic removed the in-person requirement and allowed telehealth visits to occur to treat SUDs and OUDs, this option is temporary and without action will result in returning to the status quo. During the COVID-19 pandemic, overdoses have increased and overdose involved deaths continue to rise. Expanded access to MAT is needed now more than ever and removing barriers to ensure care can be easily accessed after the COVID-19 public health emergency (PHE) is critical to providing lifesaving treatment.

ABHW and its member companies are committed to ending the SUD and OUD epidemics and increasing access to treatment. We believe the recommendations below will help achieve these goals.

**Recommendations:**

- **Pass the Mainstreaming Addiction Treatment (MAT) Act S. 445 and H.R. 1384.** This legislation will increase access to MAT by eliminating the DEA X-Waiver requirement for practitioners before prescribing buprenorphine.

- **Eliminate the in-person requirement.** Given that not all individuals with SUDs are able to have an initial in-person visit with a provider due to behavioral health provider shortages or physical difficulty traveling, ABHW advocates for actions which would eliminate the in-person evaluation requirement before a provider can prescribe MAT. There is little evidence supporting this policy and it creates a barrier to medically necessary care.

- **Promulgate special registration rules for MAT.** ABHW urges the immediate promulgation of the regulations required by federal law that oblige the DEA to move forward with the telemedicine special registration process to enable providers to prescribe MAT to patients with SUDs by employing telemedicine.

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1 SAMHSA 2019 National Survey of Drug Use and Health