

PUBLICATION

Coronavirus: DEA Allows Delivery of Medication-Assisted Treatment Drugs to Quarantined Patients

Authors: Michaela Dawn Poizner

March 20, 2020

A waiver granted by the Drug Enforcement Administration (DEA) may provide a solution for long term care providers with opioid-addicted residents who are unable to access medication-assisted treatment (MAT) due to coronavirus-induced quarantine.

The waiver allows DEA-registered narcotic treatment programs (NTPs) to provide take-home medications to quarantined patients through alternative delivery methods under the NTP's established chain of custody protocol. Specifically, NTPs are permitted to make a "doorstep" delivery of take-home medications in an approved lockbox.

The DEA granted the waiver on March 16, 2020 in response to a request by the Substance Abuse and Mental Health Services Administration, pursuant to the public health emergency declared by the Secretary of the Department of Health and Human Services (HHS), "in order to provide consistent dosing to patients enrolled" at NTPs. DEA regulation (21 C.F.R. § 1307.3) permits parties to apply for exceptions to DEA rules by filing a request stating the reasons for the exception. The DEA Administrator has discretion to, but is not required to, grant the exception.

DEA regulation (21 C.F.R. § 1301.74(i)) states that narcotics dispensed or administered by an NTP must be dispensed or administered directly to the patient by the licensed practitioner or by a registered nurse, licensed practical nurse, or pharmacist under the direction of the licensed practitioner. The waiver not only allows lockbox delivery of the medication to the patient, it also loosens restrictions on who can provide it. The waiver states that an authorized NTP staff member, a law enforcement officer or National Guard personnel may deliver the medication.

The waiver is valid throughout the duration of the public health emergency declared by HHS.

Importantly, state licensure laws for both long term care facilities and NTPs may impose strictures on dispensing and transferring medications used for MAT in addition to, or in excess of, those imposed under the DEA process. Facilities who seek to provide services under the waiver should coordinate with appropriate state authorities.

[Click here](#) to read the DEA waiver on dispensing medication to NTP patients.