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Removal of DATA Waiver Requirement for Opioid Use Disorder Prescriptions

On December 29, 2022, Congress signed into law with the **Consolidated Appropriations Act of 2023 (the Act)**, which eliminated the "DATA-Waiver Program." The Act removes the federal requirement for practitioners obtain a Data-Waiver (X-waiver) to prescribe medications such as buprenorphine, a Schedule III controlled substance, for the treatment of opioid use disorder (OUD). On January 12, 2023, the Drug Enforcement Administration (DEA) and the Substance Abuse and Mental Health Services Administration (SAMHSA) announced the immediate elimination of the X-Waiver for prescribing buprenorphine. The elimination of the X-waiver will increase the number of practitioners eligible to prescribe buprenorphine thereby increasing access to buprenorphine for those in need. ¹

All DEA registrants should be aware of the following:

- A DATA-Waiver registration is no longer required to treat patients with buprenorphine for opioid use disorder.
- All prescriptions for buprenorphine only require a standard DEA registration number. The previously used DATA-Waiver registration numbers are no longer needed for any prescription.
- There are no longer any limits or patient caps on the number of patients a prescriber may treat for opioid use disorder with buprenorphine.
- A new eight-hour training will be required as of June 21, 2023, for all prescribers when they apply for or renew their DEA registration to prescribe controlled substances. The training will include identifying and treating addiction.²
- The Act does not impact existing state laws or regulations that may be applicable to prescribing controlled substances.

Practitioners who prescribe controlled substances in Nevada must:

- Have an active Nevada Prescription Monitoring (PMP) account
- Have an active Nevada Controlled Substance (CS) registration issued by the Board of Pharmacy
- Have an active Drug Enforcement Administration (DEA) registration to dispense controlled substances in Nevada
- Comply with the controlled substance prescribing laws and regulations pursuant to NRS 639.23507, NRS 639.2391 – 639.639.239145 and NAC 453.440

References

1. <https://www.deadiversion.usdoj.gov/pubs/docs/A-23-0020-Dear-Registrant-Letter-Signed.pdf>
2. <https://www.congress.gov/117/bills/hr2067/BILLS-117hr2067ih.pdf>