

Dear Healthcare Professional:

As of December 29, 2022, and pursuant to Section 1262 of the Consolidated Appropriations Act of 2023, federal law no longer requires prescribers to obtain a DATA-Waiver or X-Waiver to prescribe medications, like buprenorphine, to treat patients with opioid use disorder. In response, the relevant boards within the Department of Health Professions will amend their regulations to remove any reference to the DATA-waiver. The Department of Medical Assistance Services (DMAS or Medicaid) will also be amending its regulations and provider manuals to remove requirements related to the DATA-waiver. In the meantime, because of the change in federal law, these relevant state regulations that require a DATA-waiver for the prescribing of buprenorphine for opioid use disorder will not be enforced. Accordingly, a prescriber who has a current license to practice and a Drug Enforcement Administration (DEA) registration authorizing the prescribing of Schedule III drugs may prescribe buprenorphine for the treatment of opioid use disorder or pain management. Medicaid fee-for service and Medicaid managed care organizations (MCOs) will update their pharmacy billing systems to allow appropriate prescriptions for buprenorphine to be dispensed without requiring prescribers to hold a DATA-Waiver. DMAS will also not enforce requirements that Preferred Office-Based Addiction Treatment (OBAT) providers hold a DATA-waiver.

The federal law created new training requirements for prescribers that will go into effect on June 21, 2023. The DEA and the Substance Abuse and Mental Health Services Administration (SAMHSA) have indicated they are actively working on guidance regarding the training requirements and will communicate information on the subject when available. Healthcare professionals are encouraged to consult [SAMHSA](#) and [DEA](#) sources for additional information.

Respectfully,

Nelson Smith

Commissioner, DBHDS

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