



February 2, 2023

Buprenorphine Prescribing Updates

On December 29th 2022, [The Consolidated Appropriations Act of 2023](#) was signed into law and **eliminated the Drug Addiction Treatment Act of 2000's (DATA) waiver (X-Waiver) requirement for prescribing buprenorphine for opioid use disorders**. The removal of administrative barriers to buprenorphine prescribing supports Indian healthcare providers in efficiently and effectively providing evidence-based treatment, strengthens the provider-patient relationship, and supports persons in recovery. Agency, Area, facility, and prescriber factors are considerations in the full implementation of this rule change.¹⁻²

Discussion³

On January 12, 2023, The Drug Enforcement Agency (DEA) sent an email to all DEA registrants clarifying:

- A DATA-Waiver (X-Waiver) registration is no longer required to treat patients with buprenorphine for opioid use disorder.
- Going forward, all prescriptions for buprenorphine only require a standard DEA registration number. The previously used DATA-Waiver (X-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.
- The DEA also stated "Separately, the Act's new training requirement will not go into effect until 06/21/2023. Importantly, these new requirements do not impact the changes related to elimination of the DATA-Waiver Program described above."

Additional considerations

- The July 2022 Centers for Disease Control, National Center for Health Statistics report found that in 2019 and 2020 **overdose death rates (per 100,000 people) increased 39% for non-Hispanic (NH) AI/AN people**; highest for AI/AN people compared to other racial and ethnic groups.⁴
- Opioid use disorder is a chronic disease; treatment is available and recovery is possible.
- The Substance Abuse and Mental Health Services Administration (SAMHSA) has changed their website to remove Notices of Intent requirements and encourages buprenorphine prescribing by providers with DEA numbers in states where legal.
- Updates to the RPMS-EHR E-Prescribing of Controlled Substances have been released to implement the DATA waiver changes.

Indian Health Service (IHS) leadership will provide updated SAMHSA/DEA guidance as information is available. We understand the need to clarify these points quickly to provide patients with the best care possible and will provide updates to ensure our providers are operating within the scope of this new framework.

The IHS National Pharmacy and Therapeutics Committee appreciates ongoing collaboration with the IHS National Committee on Heroin, Opioids and Pain Efforts on issues pertaining to pain management, opioid use disorders, and Medications for Opioid Use Disorder.⁵

References:

1. Substance Abuse and Mental Health Services Administration. [SAMHSA Applauds Expansion of Access to Medication for Opioid Use Disorder \(MOUD\)](#). Published online Jan 18, 2023
2. Substance Abuse and Mental Health Services Administration. [Removal of DATA Waiver \(X-Waiver\) Requirement](#). Published online Jan 25, 2023
3. U.S. Department of Justice Drug Enforcement Administration. ["Dear Registrants" Letter on elimination of the DATA-Waiver Program](#). Published Jan 12, 2023
4. Centers for Disease Control and Prevention. [Overdose death rates increased significantly for Black, American Indian/Alaska Native people in 2020](#). Published Online July 18, 2022
5. Indian Health Service. Opioid Stewardship in the Indian Health Service webpage. Available at: <https://www.ihs.gov/opioids/>