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TO: Health Care Providers with DEA Controlled Medication Registration

FROM: David E. Johnson, Director, Drug Control Program
David Sencabaugh, Director, Mass. Board of Pharmacy
Deirdre Calvert, Director, Bureau of Substance Addiction Services

SUBJECT: Removal of DATA Waiver (X-Waiver) Requirement

DATE: 1/17/2023

The Massachusetts Department of Public Health applauds the passing of Section 1262 of the Consolidated Appropriations Act, 2023 (also known as Omnibus bill) which includes provisions further detailed below to increase access to medication assisted treatment for Opioid Use Disorder.

In Massachusetts there were 2,290 opioid related overdose deaths in 2021, 185 more deaths than the prior year. This legislation is an important step towards removing barriers to treating opioid use disorder.

Effective immediately, SAMHSA will no longer be accepting NOIs (waiver applications) and all practitioners who have a current DEA registration that includes Schedule III authority, may now prescribe buprenorphine for Opioid Use Disorder in their practice if permitted by applicable state law.

Specifically, the new law:

- Removes the X-Waiver registration requirement. All health care providers with a standard DEA controlled medication registration will be able to prescribe buprenorphine for opioid use disorder without separate registration, subject to state requirements.
- Removes the patient limits. All health care providers with a standard DEA controlled medication registration will be able to prescribe buprenorphine for opioid use disorder to as many patients in their practice as needed, subject to state requirements.
- Removes the special DEA "X" prescribing number. Health care providers can use their standard DEA controlled substance registration number to prescribe buprenorphine for opioid use disorder.

- Removes counseling referral and ancillary services requirement. Health care providers with a standard DEA controlled medication registration can prescribe buprenorphine for opioid use disorder in the course of their normal medical practices, subject to state requirements.
- Removes X-Waiver training requirement. Health care providers with a standard DEA controlled medication registration can prescribe buprenorphine for opioid use disorder, subject to state requirements.
- While there is no longer a training requirement specific to obtaining an X-Waiver, the bill includes provisions that will require that all health care providers registered with the DEA take an 8-hour course on substance use disorder.
- SAMHSA and DEA are actively working on implementation of these training requirements that becomes effective in June 2023 (Removal of DATA Waiver (X-Waiver) Requirement | SAMHSA).
- See DEA's announcement here: [DEA announces important change to registration requirement \(usdoj.gov\)](#)
- Snapshot of the former federal rules and the changes: <https://drive.google.com/file/d/1OwOAvy3oEs5DUtKAToS8irT4ZWApdezV/view>