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DEA PROVIDES FOURTH EXTENSION OF RULES ALLOWING TELEMEDICINE PRESCRIBING OF CONTROLLED SUBSTANCES

The use of telemedicine to prescribe controlled substances has seen a dramatic increase in recent years, accelerated by the COVID-19 pandemic and subsequent temporary flexibilities in regulations. On December 30, 2025, the U.S. Drug Enforcement Administration (DEA) and the Department of Health and Human Services published the fourth extension of a rule “temporarily extended a rule allowing clinicians to prescribe controlled medications remotely through the end of 2065.” This extension, which took effect January 1, 2026, gives clinicians the ability to remotely prescribe Schedule II-V controlled medications to patients. This latest extension marks the fourth time the rule has been renewed since it was implemented at the beginning of the COVID-19 pandemic. The DEA said, “the latest extension will prevent a sudden return to pre-pandemic restrictions that could disrupt patients’ access to care, while giving the agency time to finalize permanent regulations.”

As a reminder, in January of 2025, the DEA provided three distinct frameworks for telemedicine prescribing:

Special Registration Pathways:

- The DEA has established three special registration pathways for telemedicine prescribing of controlled substances. These pathways aim to create a permanent framework for this practice, moving beyond the temporary flexibilities that were in place during the COVID-19 pandemic.
- Three types of special registrations are:
 - **Telemedicine Prescribing Registration:** Allows qualified clinicians to prescribe Schedule III-V controlled substances via telemedicine.
 - **Advanced Telemedicine Prescribing Registration:** Allows qualified specialists to prescribe Schedule II-V controlled substances via telemedicine.
 - **Telemedicine Platform Registration:** Allows online telemedicine platforms to dispense Schedule II-V controlled substances.

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Requirements for Special Registration:

- Healthcare providers and telehealth platforms will need to apply for these special registrations and meet certain eligibility requirements. These requirements may include:
 - Demonstrating a "legitimate need" for registration.
 - Meeting specific practice standards.
 - Adhering to prescription information and documentation requirements.
 - Conducting Prescription Drug Monitoring Program (PDMP) checks.
 - Using audio-video technology.
 - Complying with restrictions on Schedule II controlled substances.
 - Reporting data to the DEA.

State Telemedicine Registration:

- In addition to federal special registration, providers will generally need to obtain a separate State Telemedicine Registration for each state in which they treat patients.

Under the extension, these three special types of registrations will continue through 2026. This article is intended for informational and educational purposes only. Providers seeking assistance should contact Stuart J. Vogelsmeier or their Lashly & Baer attorney.

This summary and legal alert is an overview of the new developments in the health care industry. It is not intended to be, and should not be construed as, legal advice for a specific factual situation.

About the Author:

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