



22 Riverside Drive
Binghamton, NY 13905

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NYSHRA STATEMENT ON RECENTLY RELEASED DEPARTMENT OF HEALTH AND HUMAN SERVICES BUPRENORPHINE PRACTICE GUIDELINES

On April 28, 2021, the U.S. Department of Health and Human Services (HHS) released new guidance regarding training requirements for medical providers who prescribe buprenorphine. In particular, HHS exempted certified providers including all advanced practice providers from federal certification requirements related to training, counseling and other ancillary services that are part of the process for obtaining a waiver to treat up to 30 patients with buprenorphine. Furthermore, practitioners utilizing the exemption are limited to treating no more than 30 patients at any one time. Time spent practicing under the exemption will not qualify the practitioner for a higher patient limit. In addition, practitioners must register for the exemption to become waived to treat patients.

NYSHRA welcomes this updated guidance but notes that it contains both positive and negative implications. On the positive end, it offers a small step toward eliminating the waiver process, which is one of the largest barriers keeping patients from accessing care. In considering patient discharges from a facility, this ruling, if done well, could provide easier access to medication and treatment. For example, if the appropriate expectations are applied to Emergency Medicine, Hospitalist, Nursing Home, and Labor and Delivery Providers, then patients returning home from these settings will be able to access a much-needed one-week prescription of buprenorphine, giving them more time to link to outside maintenance therapy.

However, we are not convinced that this measure will significantly increase the number of providers who prescribe in the outpatient setting. The limit of 30 patients could lead to fewer providers pursuing the full training necessary to obtain the waiver to see more patients.

Of course, what is needed is for the buprenorphine waiver to be eliminated altogether. Patients face too many barriers to accessing this lifesaving medication. While we appreciate any incremental progress toward removing the barrier presented by this waiver, it is far too little to address the remarkable increase in overdose deaths that occurred in 2020 and allows the deaths to continue.

About NYSHRA—*The mission of NYSHRA is to introduce and promote Harm Reduction throughout all of New York State as a scientifically based treatment appropriate for substance use disorder, as well as a lifestyle approach to people who use substances. NYSHRA fulfills this mission on behalf of clinical and other providers, and the consumers they serve, through public policy and advocacy, public awareness, clinical education, and research dissemination*