



U. S. Department of Justice
Drug Enforcement Administration

www.dea.gov

Springfield, Virginia 22152

Dear Tribal Leader,

We are pleased to invite you to participate in a virtual government-to-government consultation regarding Telemedicine regulations.

On March 1, 2023, DEA promulgated two Notices of Proposed Rulemakings (NPRMs) (the General Telemedicine Rule and Buprenorphine Rule) pursuant to 21 U.S.C. 802(54)(G), which collectively proposed to expand patient access to prescriptions via telemedicine relative to the pre-COVID-19 PHE landscape. See Telemedicine Prescribing of Controlled Substances When the Practitioner and the Patient Have Not Had a Prior In-Person Evaluation, 88 Fed. Reg. 12875 (March 2023); Expansion of Induction of Buprenorphine via Telemedicine Encounter, 88 Fed. Reg. 12890 (March 2023).

In response to the two March 2023 NPRMs, DEA received at least six comments from Alaskan Native and American Indian (AN/AI) organizations expressing concerns about the proposed telemedicine regulations. Among their concerns was DEA's assertion that there would be no direct impact on Tribal communities, which they argued was inaccurate. They contended that despite the telemedicine exception for certain Indian Health Services and Tribal practitioners there would still be a substantial direct effect on Tribal communities given the limited practical and legal scope of the exception under 21 USC 802(54)(C).

Based on the comments received regarding the two NPRMs and presentations at the September 2023 Telemedicine Listening Sessions, DEA requests interested Tribal communities and persons to share concerns and feedback regarding the practice of Telemedicine and its impact on Tribal communities.

DEA, in coordination with the US Department of Justice Office of Tribal Justice (OTJ), will be hosting two virtual consultations on the following dates and times:

June 13, 2024, at 3pm Eastern
June 27, 2024, at 3pm Eastern

If you are interested in attending one or both virtual consultations, please respond to OTJ@usdoj.gov by June 11, 2024, and include the name(s) and email addresses of your representatives. If you do not have reliable access to email you are welcome to join by phone; please call (202) 514-8835 if you will need to join by phone and be sure to leave a contact name and phone number in your message. Written comments will be welcome.

A framing paper is attached for your convenience. DEA and OTJ look forward to engaging on this important issue.

Sincerely,

Matthew J. Strait
Deputy Assistant Administrator
DEA Diversion Control Division