

August 07, 2020

The Honorable Timothy J. Shea  
Acting Administrator  
United States Drug Enforcement Administration  
8701 Morrissette Dr.  
Springfield, VA 22152

Dear Acting Administrator Shea:

The ongoing public health emergency due to the Coronavirus Disease 2019 (COVID-19) pandemic has compounded the existing challenges we faced as a result of the opioid epidemic. We have seen a recent surge in overdoses, deaths and an alarming increase in mental illness. A recent report from Well Being Trust projects that 75,000 people are at risk of overdose death or suicide. Emergency departments and the criminal justice system simply do not have the capacity to address the needs of the rapidly growing number of individuals with behavioral health conditions. As a result, the Drug Enforcement Agency (DEA) and the Substance Abuse and Mental Health Services Administration (SAMHSA) have made significant changes to substance use disorder treatment telemedicine regulations. While these changes have made significant gains in accessing care, I am concerned about the potential for abuse.

Recently, my office has been made aware of several sign advertisements in West Virginia offering “real-time access to Suboxone” during the COVID-19 pandemic. These advertisements are very concerning as they appear to be issued by entities not registered with the West Virginia Office of Health Facility Licensure & Certification (OHFLAC), by a company named Church Ekklesia Sozo, Inc. (CES)<sup>1</sup>. It appears to operate as a “cash only” business charging \$40/week or \$125/month for the telemedicine visit, and does not accept any insurance. While we cannot independently ascertain if CES is a properly registered MAT provider, we ask that you look into this use of telemedicine for MAT prescribing.

This is concerning since while Medication-Assisted Treatment (MAT) has been proven effective in treating opioid use disorders (OUD), FDA-approved MAT products are meant to be used in conjunction with appropriate counseling and psychosocial support. For this reason, the Controlled Substances Act included limits on prescribing controlled substance over the internet, to ensure in-person visits for patients, especially new patients. While DEA and SAMHSA are now allowing buprenorphine for OUD to new patients via telemedicine, these visits need to be conducted by licensed professionals to ensure proper treatment.

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<sup>1</sup> Church Ekklesia Sozo, Inc. <https://bupe.me/>

During the pandemic, telehealth has proven to be a successful approach in ensuring that patients are receiving mental health and addiction care. I applaud the Centers for Medicare & Medicaid Services for expanding telehealth flexibilities to behavioral health providers, and further allowing audio-only telephone communication to be available for behavioral health providers. These changes have allowed constituents and providers living in areas with poor internet connectivity, or those who do not have access to video telecommunication devices for care, the flexibility needed to receive care. These changes are incredibly important to allow for regular access to behavioral health services, however we need to maintain proper registration and regulation of opioid treatment providers.

In response to concerns my office has heard from addiction treatment providers, I ask that you provide answers to the following:

- How is DEA monitoring and enforcing proper prescribing of MAT during the public health emergency?
- Is DEA registering MAT providers who operate across state lines? If so, are they required to register with the relevant state agency in each jurisdiction in which they are operating?
- How does DEA intend to ensure the proper prescribing of MAT with expanded access through telemedicine and mobile clinics?

Thank you for your commitment to addressing the opioid epidemic even amidst the challenges of the COVID-19 pandemic. As a member of the Appropriations Committee, I will continue to fight for the resources you need to do your job effectively and efficiently. I appreciate your attention to this matter and look forward to working together to address this pressing issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Manchin III". The signature is fluid and cursive, with a long horizontal stroke at the end.

Joe Manchin III  
United States Senator