

April 21, 2020

Laura Turner, JD  
Board Director  
Indiana Professional Licensing Agency  
Attn: Medical Licensing Board of Indiana  
402 W. Washington Street, W072  
Indianapolis, IN 46204

Dear Ms. Turner:

On behalf of the American Medical Association (AMA) and our physician and medical student members, I am writing to encourage the Indiana Medical Licensing Board (MLB) to take immediate steps to help patients with pain during the COVID-19 pandemic. Specifically, we recommend that the MLB adopt, in full, the guidance provided by the U.S. Drug Enforcement Administration (DEA) to help ensure patients with pain receive the medications they need while simultaneously helping support public health measures to protect patient safety, reduce unnecessary travel and potential exposure to the COVID-19 virus.

These measures include:

1. **Remove refill barriers to necessary medication.** Allowing for “multiple prescriptions authorizing the patient to receive a total of up to a 90-day supply of a Schedule II controlled substance, subject to specific conditions being met. These conditions include, among other things, that the practitioner must sign and date the multiple prescriptions as of the date issued, (21 CFR 1306.05(a)); and, write on each separate prescription the earliest date on which the prescription can be filled (21 CFR 1306.12(b)(ii)).”<sup>1</sup>
2. **Remove evaluation/prescribing barriers for existing patients.** If the physician has previously examined the patient in person, authorize the physician to conduct “any needed follow-up evaluation by any method: in person, telemedicine, telephone, email, etc.” and then authorize the physician to “issue any needed Rx directly to [the] patient or to [the] pharmacy” by calling in the prescription or providing the patient with a written prescription.<sup>2</sup>

We recognize that Measure 2 above may have been satisfied by Executive Orders (EO) 20-12 and 20-13, but we seek clarification – along with the Indiana State Medical Association – as to whether those EOs specifically supersede 844 Indiana Administrative Code 5-6-6.

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<sup>1</sup> U.S. Drug Enforcement Administration. Letter to the General Public and the Registrant Community. March 20, 2020. Available at [https://www.deadiversion.usdoj.gov/GDP/\(DEA-DC-017\)\(DEA065\)%20Early%20RX%20Refill%20-%20OMB%203-20-20%20200%20DAA%20approved.pdf](https://www.deadiversion.usdoj.gov/GDP/(DEA-DC-017)(DEA065)%20Early%20RX%20Refill%20-%20OMB%203-20-20%20200%20DAA%20approved.pdf)

<sup>2</sup> U.S. Drug Enforcement Administration. How to Prescribe Controlled Substances to Patients During the COVID-19 Public Health Emergency. Available at [https://www.deadiversion.usdoj.gov/GDP/\(DEA-DC-023\)\(DEA075\)Decision\\_Tree\\_\(Final\)\\_33120\\_2007.pdf](https://www.deadiversion.usdoj.gov/GDP/(DEA-DC-023)(DEA075)Decision_Tree_(Final)_33120_2007.pdf). Last accessed April 20, 2020.

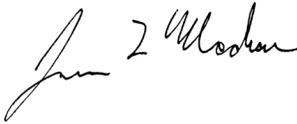
Laura Turner, JD  
April 21, 2020  
Page 2

As part of the AMA's [policy recommendations for patients with pain](#), the AMA also supports the DEA guidance because it balances the need of patients to obtain necessary medication with physician oversight and discretion for current patients. At a time when we should be looking to adopt and support policies that remove barriers to care for patients with chronic conditions, we strongly urge your swift attention and action.

If you have any questions, please contact Daniel Blaney-Koen, JD, Senior Legislative Attorney, AMA Advocacy Resource Center, at [daniel.blaney-koen@ama-assn.org](mailto:daniel.blaney-koen@ama-assn.org) or (312) 464-4954.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Madara". The signature is written in a cursive style with a large initial "J" and "M".

James L. Madara, MD

cc: Indiana State Medical Association