



May 14, 2020

Centers for Medicaid & Medicare
7500 Security Boulevard
Baltimore, MD 21244

Dear Ms. Seema Verma:

The COVID-19 emergency has brought many healthcare disparities to light. In particular, delivery of schedule II medications for individuals suffering from chronic illnesses, cancer and palliative care patients; impacting 9 million individuals with intractable pain, 23 million individuals with rare disease and over 50 million individuals with chronic non-cancer pain. Despite the stay-at-home orders, these individuals are being forced to leave their homes in order to see their physicians and pick up their scheduled opiate medications. These individuals are extremely high risk as they suffer from incurable illness, immunocompromised and otherwise disabled.

The Controlled Substances Act and DEA's implementing regulations prohibit the refilling of schedule II-controlled substances. 21 USC 829(a). However, pursuant to 21 CFR 1306 (b) "an individual practitioner may issue multiple prescriptions authorizing patients to receive a total of up to a 90-day supply of a schedule II-controlled substance, subject to specific conditions, are met.

However, without a proper announcement made by the CMS, state Pharmaceutical Board, State Insurance Commissioner and other relevant agencies, physicians are not providing this opportunity to their patients who require scheduled II medications.

We are asking CMS to send notification to the states regarding the [DEA Announcement](#) advising to permit a 90-day supply of schedule II medications. The pharmacy boards must also be notified to refill the 90-day supply upon presentation of a valid prescription. In addition, the insurance commissioners must notify the insurance carriers to authorize the payment for the 90-day supply.

It is important to note that the manufacturing quota for scheduled-II medications must be reviewed to ensure that the increased demand can be met. The influx of the COVID-19 patients has already strained the current supply chain. It is imperative that the annual manufacturing quota is adjusted to ensure enough supply is available to accommodate 90-day prescriptions as well as the increased demand for the treatment of acute pain within our healthcare system.

Thank you,

Lauren Deluca
Executive Director

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Organizations and individuals endorsing this statement:

As representatives of the organizations, institutions, experts working in pain relief/palliative care, political action groups and individual citizens. We are extremely concerned with the impact COVID-19 pandemic is having on accessing scheduled-II medications.

Organizations:

Chronic Illness Advocacy & Awareness Group, Inc., dba CIAAG
Adapted Tasks for Special Kids
Passionate Pachyderms
RSDSA
World of Pain

Individuals:

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