



Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Acting Commissioner

MEGAN E. BALDWIN
Acting Executive Deputy Commissioner

January 20, 2023

Dear Practitioners and Pharmacists:

This letter is to inform you that certain federal requirements related to the prescribing of buprenorphine for opioid use disorder (OUD) have been eliminated.

The Mainstreaming Addiction Treatment (MAT) Act was signed into federal law and became effective on December 29, 2022. Important changes resulting from the MAT Act include the:

- elimination of the requirement for a special registration through the federal Drug Enforcement Administration (commonly referred to as an X-waiver) to prescribe or dispense buprenorphine for the treatment of OUD.
- elimination of the limitations on the number of patients a practitioner was permitted to treat with buprenorphine for OUD.

A practitioner holding a standard DEA registration to prescribe controlled substances may now prescribe buprenorphine for the treatment of OUD, without limitation to the number of patients.

While other federal and state laws governing the prescribing of controlled substance medications still apply, nothing in the Public Health Law and its underlying regulations, including 10 NYCRR Part 80, Section 80.84, should be interpreted to contradict these two new changes to federal law.

Additionally, the new federal law now requires all healthcare providers, with a few exceptions, who prescribe any controlled substances to complete 8-hours of training in the identification and treatment of substance use disorders when any practitioner first applies for a DEA registration or at the time of their next DEA registration renewal. The training requirement becomes effective in June 2023.

More information about the removal of the X-waiver requirement can be found on the Substance Abuse and Mental Health Services Administration (SAMHSA) website: [Removal of DATA Waiver \(X-Waiver\) Requirement | SAMHSA](#). Additionally, the DEA issued a letter to registrants about eliminating the X-waiver on January 12, 2023 that can be found at: <https://www.deadiversion.usdoj.gov/pubs/docs/A-23-0020-Dear-Registrant-Letter-Signed.pdf>.

Sincerely,

James V. McDonald, M.D., M.P.H.
Acting Commissioner of Health