

Preserving Access to Mental Health Treatments

Americans are struggling with a deepening mental health crisis. According to a 2021 report from the Substance Abuse and Mental Health Services Administration (SAMHSA), approximately one in five adults, or 50 million people in the United States, suffered from a mental illness in the previous year. Suicide is among the top four leading causes of death in the United States among individuals between the ages of 10 and 44. This crisis is deepened by lack of access to mental health care. Over 150 million Americans live in mental health provider shortage areas, and even people with providers in their area often cannot obtain treatment due to cost, inconvenience, and stigma. As a result, more than 50% of adults with mental illness do not receive treatment.

In response to this crisis, Congress and the federal government have embraced telehealth as a modality to provide healthcare for Americans suffering from depression, anxiety, and other mental illnesses. Before the pandemic, providers were required to examine patients in person before prescribing a controlled substance. The Drug Enforcement Agency (DEA), under authorities associated with the public health emergency (PHE), has allowed registered clinicians to prescribe Schedule III and IV controlled substances after performing a telehealth examination for patients suffering from mental illnesses.

There is broad support across the medical community for maintaining access to controlled substance prescribing through telehealth. In March 2022, the American Medical Association, American Psychiatric Association, and more than 70 other healthcare organizations [called](#) on the DEA to make this waiver permanent, and over 370 healthcare organizations [asked](#) Congress in September to extend the waivers after the PHE.

In addition, Congress has directed the DEA twice to establish a Special Registration for providers to prescribe controlled substances through telehealth, in both the Ryan Haight Online Pharmacy Consumer Protection Act of 2008 (Ryan Haight Act) (Public Law 91-513) and the recently passed SUPPORT for Patients and Communities Act (SUPPORT Act) (Public Law 115-271). The DEA submitted a proposed rulemaking to the Office of Management and Budget (OMB) and it has been languishing there for months.

Unfortunately, the future of telehealth prescribing remains uncertain for controlled substance medications that are used to support mental health. These important telehealth flexibilities will expire when the PHE ends, leaving thousands of patients without access to essential mental health treatments.