

Telehealth renewals for medical cannabis recommendations

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Presentation outline

Background

Basis for proposal: there is a perception that requiring in-person visits for medical cannabis renewals is overly burdensome, more expensive, and the program may be losing patients because of this requirement.

- Utah Codes 26B-4-204, 26B-4-213, and 26B-4-202 require recommending medical providers to conduct an **in-person** consultation **for all initial** medical cannabis recommendation visits, with certain exceptions.
- **Renewal** visits with the **same provider** can be conducted **via telehealth**.
- If a patient renews their medical cannabis card with a different provider, the renewal must be conducted in-person.

How many first-time renewals were with a different medical provider?

In 2023:

- **52% (8,210)** completed their first renewal with the same medical provider who initially recommended.
- **48% (7,572)** completed their first renewal with a different provider.

Clarifying federal law on telehealth prescriptions

- In May of 2023, DEA and HHS made new temporary rules which authorize “practitioners to prescribe schedule II–V controlled medications via audio-video telemedicine encounters.”
 - This rule is an exception to the Ryan Haight Online Pharmacy Consumer Protection Act.
 - This temporary rule has been continuously extended since the beginning of the pandemic and has been extended until December 31, 2024.

Clarifying federal law on telehealth prescriptions

- DEA proposed another rule in February 2023 that would allow for all medical practitioners to prescribe medication via telehealth if their patient has seen another practitioner in person and received a referral to the new practitioner.
- This is only a proposed rule and isn't in effect.
- The board may choose to consider the potential DEA rescheduling of cannabis from a Schedule I controlled substance to a Schedule III as a factor in its recommendation.

Arguments for allowing patients to renew their card via telehealth with a different provider

1. In-person regulations feel like an **unnecessary barrier** for some patients.
2. Due to the in-person visit requirement, the medical cannabis program may be **losing patients** who would otherwise benefit from legal medical cannabis use.
3. Telehealth is a **common practice**.

Arguments against allowing patients to renew their card via telehealth with a different provider

1. In-person examinations better ensure an **accurate assessment**.
2. Cannabis contains psychoactive properties and it has not been as thoroughly studied as other drugs. Recommending its medical use should require at least one in-person visit with a new recommending medical provider.
3. Telehealth renewals are **already allowed** after an initial in-person appointment with the same provider.

1. Allow medical cannabis patients to renew their medical cannabis card with a different recommending medical provider through telehealth.
2. Continue to require that if a patient renews their medical cannabis card with a recommending medical provider different from their initial recommending medical provider, the new medical provider must conduct the recommendation in-person (status quo).

Recommendation options