

December 8, 2023

The Honorable Bernie Sanders
Chair
U.S. Senate Committee on Health,
Education, Pensions, and Labor
428 Senate Dirksen Office Building
Washington, DC 20510

The Honorable Bill Cassidy, MD
Ranking Member
U.S. Senate Committee on Health,
Education, Pensions, and Labor
428 Senate Dirksen Office Building
Washington, DC 20510

**Re: The SUPPORT Patients and Communities Reauthorization Act (S. 3393) - Section 401 –
Required Training for Prescribers of Controlled Substances**

Dear Chair Sanders and Ranking Member Cassidy,

The American Pharmacists Association (APhA) and the National Association of Boards of Pharmacy (NABP) write on behalf of the nation's over 330,000 pharmacists across the country to thank you for your continuing leadership in addressing the opioid use disorder pandemic across the country.

APhA is the only organization advancing the entire pharmacy profession. APhA represents pharmacists, student pharmacists, and pharmacy technicians in all practice settings, including but not limited to community pharmacies, hospitals, long-term care facilities, specialty pharmacies, community health centers, physician offices, ambulatory clinics, managed care organizations, hospice settings, and government facilities. Our members strive to improve medication use, advance patient care, and enhance public health.

The National Association of Boards of Pharmacy® (NABP®) is a 501(c)(3) nonprofit organization founded in 1904. Working with our members – the state boards of pharmacy – we help support patient and prescription drug safety, through examinations that assess pharmacist competency, pharmacist licensure transfer and verification services, and various pharmacy accreditation programs. Our membership and staff combine diverse skills and backgrounds, which helps us create innovative programs that meet the public health protection needs of today – with an eye on the future.

As the [public health emergency](#) continues as a consequence of the ongoing opioid crisis, APhA and NABP, along with many other organizations, continue our efforts to provide access to lifesaving treatments to help combat opioid use disorders. A recent [study](#) in the New England Journal of Medicine showed that pharmacies can offer a safe and accessible treatment starting point for patients with OUD. Part of these efforts includes assisting our nation's pharmacists

and other health care providers to initiate access to buprenorphine through medication for opioid use disorder” (MOUD). One of the early roadblocks in initiating buprenorphine was the onerous requirements under the DATA or X-Waiver. However, with legislation signed into law earlier this year, including the Mainstreaming Addiction Treatment Act (MAT) and Medication Access and Training Expansion (MATE) as part of the Consolidated Appropriations Act of 2023, the pathway to assist health care providers to initiate buprenorphine took a major step forward.

However, despite the passage of these new laws, barriers to patient care still remain. In particular, Congress’ original intent with the passage of the MATE and MAT Acts was to provide the ability for the Assistant Secretary of Mental Health and Substance Use at the Substance Abuse and Mental Health Services Administration (SAMHSA) to approve additional training organizations for new or renewing Drug Enforcement Administration (DEA) registrants, as of June 27, 2023.

Section 1263 of the Consolidated Appropriations Act requires that “the practitioner has completed not fewer than 8 hours of training with respect to the treatment and management of patients with opioid or other substance use disorders (through classroom situations, seminars at professional society meetings, electronic communications, or otherwise),” provided by a list of organizations “or any other organization approved or accredited by the Assistant Secretary for Mental Health and Substance Use.” Congress specifically included this language as this list was meant to be non-exhaustive to ensure additional qualified practitioners be able to comply with the law.

However, SAMHSA’s April 2023, “[Recommendations for Curricular Elements in Substance Use Disorders Training](#),” states “while Section 1263 of the ‘Consolidated Appropriations Act of 2023’ gave the Assistant Secretary for Mental Health and Substance Use the authority to also approve specific training organizations for this purpose, at the present time, SAMHSA has elected not to undertake a lengthy rulemaking process.”

While we appreciate the hard work of SAMHSA to implement the MAT and MATE Acts, APhA, NABP and many other organizations remain very concerned SAMHSA’s decision not to use the authority Congress granted to the agency to recognize additional organizations is contrary to congressional intent and could inhibit OUD patients’ access to care from certain physicians, pharmacists, and other health care practitioners. Congress [did not intend](#) to put in place additional barriers, and not utilizing the authority granted to SAMHSA under Section 1263 would jeopardize patient care in the middle of an ongoing federal opioid public health emergency.

As such, we are very pleased to see the Committee’s leadership to add language under Section 401 of the Senate’s version of the SUPPORT Act ensuring the Accreditation Council for Pharmacy Education (ACPE) and other professional societies and accrediting bodies will be able to provide the required training for certain pharmacists, physicians, and other health care practitioners to be able to continue to initiate buprenorphine treatments and save lives. We

applaud these efforts which will go a long way toward our shared goal to address the opioid use disorder crisis across the country. If we can be of any assistance, please contact APhA's Director of Congressional Affairs, Doug Huynh, JD at dhuyh@aphanet.org or Andrew Funk, PharmD, with NABP at afunk@nabp.pharmacy.

Sincerely,

A handwritten signature in black ink that reads "Michael Baxter". The script is cursive and fluid.

Michael Baxter
Vice President, Federal Government Affairs