

## History

The DATA-Waiver (or X-Waiver) was originally created under the [Drug Addiction Treatment Act of 2000](#) to allow certain outpatient providers to prescribe buprenorphine to treat opioid use disorder (OUD).<sup>1</sup> To receive a waiver, clinicians had to complete formal waiver training (8 hours for MD/DO, or 24 hours for mid-level practitioners such as PA/NP/CRNA), and they were required to certify their ability to refer patients for counseling and other ancillary services.

In April 2021, the U.S. Department of Health and Human Services (HHS) issued [updated guidelines](#) that removed the need for formal waiver training and eliminated the requirement for a referral pathway to counseling and ancillary services.<sup>2</sup> This allowed any provider with an active Schedule III Drug Enforcement Agency (DEA) certificate to qualify for a waiver to treat up to 30 patients with buprenorphine.

## Policy Updates

On December 29, 2022, Congress eliminated the DATA-Waiver program with the signing of the [Consolidated Appropriations Act of 2023](#) (Section 1263).<sup>3</sup> The [DEA announced their full support](#) of this policy reform, with the following changes effective immediately:<sup>4</sup>

- **DATA-Waiver registration is no longer required** to prescribe buprenorphine to treat patients with OUD.
- **All buprenorphine prescriptions now only require a standard DEA number** from a clinician authorized to prescribe Schedule III medications. DATA-Waiver numbers are no longer needed on the prescription.
- There are **no limits or caps on the number of patients** a prescriber may treat with buprenorphine for OUD.
- The changes **defer to applicable state laws or regulations**.

As a follow-up to these changes, new training requirements for all prescribers registering or renewing a DEA certificate will go into effect on June 27, 2023.<sup>4</sup>

### Sources:

1. H.R. 2634 – Drug Addiction Treatment Act of 2000. (106<sup>th</sup> Congress). [www.congress.gov/bill/106th-congress/house-bill/2634/actions](http://www.congress.gov/bill/106th-congress/house-bill/2634/actions)
2. Practice Guidelines for the Administration of Buprenorphine for Treating Opioid Use Disorder. Health and Human Services Department. [www.federalregister.gov/documents/2021/04/28/2021-08961/practice-guidelines-for-the-administration-of-buprenorphine-for-treating-opioid-use-disorder](http://www.federalregister.gov/documents/2021/04/28/2021-08961/practice-guidelines-for-the-administration-of-buprenorphine-for-treating-opioid-use-disorder)
3. H.R.2617 – Consolidated Appropriations Act, 2023. (117<sup>th</sup> Congress). [www.congress.gov/bill/117th-congress/house-bill/2617/text](http://www.congress.gov/bill/117th-congress/house-bill/2617/text)
4. U.S. Department of Justice Drug Enforcement Administration. [www.deadiversion.usdoj.gov/pubs/docs/A-23-0020-Dear-Registrant-Letter-Signed.pdf](http://www.deadiversion.usdoj.gov/pubs/docs/A-23-0020-Dear-Registrant-Letter-Signed.pdf)