

Revised notice dated December 14, 2020, to replace the notifications issued on March 20, 2020 and March 25, 2020:

With the Governor's authorization in accordance with the Proclamation of Disaster Emergency (Proclamation) issued on March 6, 2020, and most recently renewed on November 24, 2020, the following statutory and regulatory provisions are temporarily suspended in order to respond to the COVID-19 emergency:

- The requirement in 35 P.S. § 10231.802(a)(1) that dispensing must occur in an indoor enclosed facility and in 28 Pa Code § 1161.23 (a), which requires dispensing to occur at the facility (which is defined as the secure building itself). The Department of Health (DOH) will allow dispensary employees to go out to the vehicle, retrieve their identification cards, go back inside and dispense product in accordance with regulatory dispensing requirements and then deliver to the vehicle. In all cases, the vehicle must be located on "site" (which is defined in 28 Pa. Code § 1161.23(a) as the total area contained within the facility's property line boundaries).
- The limitation that only five patients may be assigned to one caregiver, which would provide more caregivers to patients in need. 35 P.S. § 10231.303(b)(4)
- Background checks for caregiver applications, limited to *renewal* applications only, in order to expedite the caregiver renewal process. 35 P.S. § 10231.502 and 28 Pa. Code § 1191.27
- The phrase "in-person" from the definitions of "continuing care" and "patient consultation" in 35 P.S. §10231.103 and 28 Pa. Code § 1181.21 to allow for remote consultations for both initial and renewal certifications. In all cases, patient records must be reviewed and evaluated.
- The 30-day supply limit found in 35 P.S. § 10231.405 and in 28 Pa. Code § 1161.24(b). DOH will require approved practitioners to notate on the patient's certification authorization to dispense a 90-day supply.
- The requirement in 35 P.S. § 10231.801(b) and 28 Pa. Code §§ 1161.25(a) and (b) that a medical professional (physician, pharmacist, physician assistant or nurse practitioner) be onsite at the facility at all times during dispensing hours. This temporary change is effective December 14, 2020, in order to facilitate compliance with the Governor's and the Secretary of Health's Orders of November 23, 2020, to telework "unless impossible." **The medical professional must remain available for remote patient consultations and must continue to verify each patient certification prior to the patient being dispensed medication at the facility.**

These suspensions shall remain in place only for as long as Proclamation is in effect.