



**Notice - Waiver of CDS Registration Requirement for Out-of-State Applicants for a
Maryland Controlled Dangerous Substance Registration
(May 8, 2020)**

On March 16, 2020, the Governor Larry Hogan issued an executive order that authorized health care practitioners licensed in another state (“out-of-state practitioners”) to practice in Maryland without first obtaining a Maryland license under certain circumstances. The order also authorized the Secretary of Health to issue guidance “as the Secretary deems necessary to carry into effect the purpose and intent of” the authorization for out-of-state practitioners to practice in Maryland and suspended any statute or regulation inconsistent with the order. This notice constitutes such guidance with regard to the requirement that out-of-state practitioners obtain Maryland CDS registrations in order to prescribe CDS in Maryland.

Maryland law requires that licensed health care practitioners have a Maryland CDS registration in order to prescribe CDS. *See* MD. Code Ann., Crim. Law § 5-301(a)(1). Federal law also requires that licensed health care practitioners have a Drug Enforcement Administration (DEA) registration to prescribe CDS, *see* 21 U.S.C. § 822(a)(2), and requires federal registration in each state in which the practitioner practices, *see* 21 C.F.R. § 1301.12(a). The DEA has waived the requirement of registration in each state in which the practitioner practices for the duration of the public health emergency declared by the Secretary of Health and Human Services.

Accordingly, the Maryland Department of Health interprets the order to allow out-of-state practitioners to practice in Maryland without first obtaining a Maryland license as allowing those practitioners in good standing in their home state to be allowed as well to prescribe CDS in Maryland without obtaining a Maryland CDS registration. That interpretation is contingent on the execution of an acknowledgment by any out-of-state practitioner who seeks a waiver of the Maryland CDS registration requirement that the waiver only lasts as long as the DEA waiver lasts.

This Notice is effective immediately and shall remain in effect until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded or until the expiration of the DEA waiver, whichever is earlier.

Robert R. Neall
Secretary