



# Health Law Diagnosis

Monitoring the Pulse of Health Care and Life Sciences

March 2023

The Robinson+Cole Health Law Group is committed to examining and reporting on issues important to the health care and life sciences industries. Below are excerpts from our [Health Law Diagnosis](#) blog, where we post on fraud and abuse, government enforcement, Medicare and Medicaid, reimbursement, hospitals and health systems, pharmaceuticals, medical devices, and other areas of interest. For more updates on news and developments for the health care and life sciences industries, we invite you to [subscribe](#).

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## [As COVID-19 Emergency Waivers End, DEA Proposes to Expand Tele-Prescribing of Controlled Substances](#)

On February 24, 2023, the federal Drug Enforcement Administration (DEA) [issued](#) a pair of proposed rules to make permanent certain “telemedicine flexibilities” related to the prescribing of controlled substances via telehealth that have been relied upon by prescribers and patients during the COVID-19 pandemic. The proposed rules respectively address (1) telemedicine prescribing of certain controlled substances without an in-person medical examination ([Tele-Prescribing Rule](#)), and (2) expansion of buprenorphine prescribing via telemedicine encounters ([Buprenorphine Rule](#)). [Read more](#)

## [New York Proposes Regulatory Overhaul for HealthCare Transactions with a Focus on Investor-Backed Healthcare Transactions](#)

Proposed legislation from the New York State Executive Budget for 2024 includes significant changes to the state’s regulatory approach and authority over healthcare transactions. New York is following a trend on the state level regarding concern over the consolidation of the healthcare marketplace and investor-backed practices and how such transactions should be reviewed. Such proposal follows states like California, Oregon, and Washington. The proposal creates a new statutory article to review “material transactions” and has made changes to the certificate of need process for new and existing entities. [Read more](#)

## [California Governor Signs Trailer Bill to State Budget Increasing Oversight of Health Care Entities Statewide](#)

On June 30, 2022, Governor Gavin Newsom signed the 2022-2023 California state budget, which included a trailer bill, [Senate Bill 184](#) (the Bill) which makes numerous statutory revisions impacting health programs and consumers. The Bill establishes the Office of Health Care Affordability (OHCA) within the Department of Health Care Access and Information to combat rising health care costs. California will join other states such as Massachusetts, Oregon, and Nevada in implementing a health care cost commission. [Read more](#)

If you have any questions, please contact any member of Robinson+Cole’s [Health Law Group](#).

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