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Healthcare Alert

February 20, 2026

New Jersey mandates in-person examinations for Schedule II controlled substances

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Executive Order 415 reinstates the requirement that telemedicine providers conduct in-person examinations prior to prescribing Schedule II controlled substances.



What's the impact?

- Telemedicine providers and provider organizations in New Jersey will be required to conduct initial and quarterly in-person visits for patients to whom they prescribe Schedule II controlled substances, overriding any flexibilities set forth by federal laws.

On January 16, 2026, New Jersey Governor Murphy signed [Executive Order No. 415](#), terminating the COVID-19 State of Emergency originally declared on March 9, 2020. As a result, the emergency waivers that permitted telemedicine prescribing of Schedule II Controlled Dangerous Substances (CDS) without prior in-person visits expired at 5:00 pm EST on February 16, 2026.

Reinstated legal requirements

With the expiration of the COVID-19 emergency waivers, prescribing of Schedule II CDS in New Jersey reverts to governance by [N.J.S.A. 45:1-62\(e\)](#), which imposes the following requirements:

- / **Initial in-person examination:** A healthcare provider may prescribe Schedule II CDS through the use of telemedicine or telehealth only after an initial in-person examination of the patient, as required by regulation.
- / **Quarterly in-person visits:** A subsequent in-person visit with the patient is required every three months for the duration of time that the patient is prescribed the Schedule II CDS.

EXCEPTION FOR PEDIATRIC STIMULANT PRESCRIPTIONS

The in-person examination and quarterly visit requirements do not apply when a healthcare provider is prescribing a stimulant that is a Schedule II CDS (for example, Adderall) for use by a minor patient under the age of 18, provided that:

- / The healthcare provider is using interactive, real-time, two-way audio and video technologies when treating the patient; and
- / The healthcare provider has first obtained written consent from the minor patient's parent or guardian to waive these in-person examination requirements.

State requirements override federal flexibilities

The requirements of N.J.S.A. 45:1-62(e) apply regardless of any continued flexibilities in federal law. The Drug Enforcement Administration (DEA), in partnership with the Department of Health and Human Services (HHS), issued a Fourth Temporary Extension of the COVID-19 Telemedicine Flexibilities, which remains in effect through December 31, 2026. Under these federal flexibilities, DEA-registered practitioners are permitted to remotely prescribe Schedule II-V controlled medications via audio-video telemedicine encounters without having ever conducted an in-person medical evaluation, provided that such prescriptions otherwise comply with applicable federal and state law. The extension was designed to prevent disruptions in care for patients who rely on telehealth, particularly those in rural and underserved areas, seniors, individuals with mobility limitations, and patients receiving treatment for mental health conditions or substance use disorder.

Despite these continued federal flexibilities, New Jersey state law imposes stricter requirements that take precedence. The New Jersey Division of Consumer Affairs has made clear that the requirements of N.J.S.A. 45:1-62(e) apply "[regardless of any continued flexibilities in federal law.](#)" Accordingly, unless and until relevant New Jersey boards or regulators issue additional guidance

on the matter, healthcare providers prescribing Schedule II CDS to patients in New Jersey must conduct initial in-person examinations and subsequent quarterly in-person visits.

Next steps

As prescribers await potential further guidance on any exceptions or leeway related to ongoing telehealth treatment of New Jersey patients, providers should review their current prescribing protocols and telehealth workflows to ensure compliance with reinstated state law requirements.

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