




Information Bulletin 01-2024

Providers and High Dosage Medication for Opioid Use Disorder (MOUD)

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Deputy Secretary
Department of Drug and Alcohol Programs

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Effective date: Immediately

Purpose: The Department of Drug and Alcohol Programs (DDAP) is issuing this Information Bulletin to remind Single County Authorities (SCAs) and residential treatment providers of the requirements outlined in Part 4.04 of the Case Management and Clinical Services (CMCS) Manual and 28 Pa. Code Ch. 709, Standards for Licensure of Freestanding Treatment Facilities, and Ch. 717, Standards for Drug and Alcohol Recovery House Licensure. It has come to DDAP's attention that in certain instances residential treatment providers and recovery houses are not accepting individuals for services who are on, what the provider or House Managers consider, to be a high dose of a medication for the treatment of opioid use disorder (MOUD).

According to section 4.04 A, B, C of the CMCS, SCAs must:

- A. 5) ensure that treatment and non-treatment providers do not exclude individuals on Medication Assisted Treatment (MAT) from being admitted into services.

7) ensure contracted providers admit and provide services to individuals who use MAT for SUD (Substance Use Disorder).
- B. All treatment, including medication, must be individualized. SCAs may not place limits on a type of service or medication or restrict the length of service.
- C. DDAP will identify state or federal funds that are available only to providers that permit use of Food and Drug Administration (FDA)-approved medications in the treatment of SUD. Contracted providers that restrict admission based upon medication use may not receive those funds to treat any individual or provide any type of prevention, intervention, treatment, or treatment-related service.

SCAs have the responsibility to ensure that residential treatment providers are fulfilling their contractual obligations by admitting individuals regardless of MOUD dosage. SCAs should access the provider's chain of command when they are having difficulty getting an individual admitted to services. Providers have the responsibility to conduct an individualized assessment of the person's needs, with input from the individual, to include reviewing the medication dosage once the individual is admitted into their program.

In addition, the United States Department of Justice, which oversees and enforces the Americans with Disabilities Act, has been clear that substance use disorder is a protected disability and discrimination against individuals who use MOUD is prohibited. See, e.g., [U.S. Department of Justice, Civil Rights Division, Disability Rights Section Technical Assistance document: The Opioid Crisis and the ADA](#). Licensed drug and alcohol treatment facilities and recovery houses shall develop and implement written policies and procedures to ensure compliance with 28 Pa. Code:

- § 709.30(2): The project may not discriminate in the provision of services on the basis of age, race, creed, sex, ethnicity, color, national origin, marital status, sexual orientation, handicap or religion.
- § 709.32(c): The project shall have and implement a written policy and procedures regarding all medications used by clients which shall include, but not be limited to: § 709.32(c)(1)-(6)
- § 717.19(a)(2): Resident rights which must include that the licensee may not discriminate against a resident on the basis of disability to include persons that take medication to treat a disability.
- §717.24. Medication control and self-administration.
(2) Safe storage of medication by the drug and alcohol recovery house and residents and procedures to address loss, theft, abandonment or misuse of medications. The policy must provide that controlled substances stored at the drug and alcohol recovery house will be kept in a locked container.

Questions from treatment providers concerning this Information Bulletin can be addressed to the Bureau of Program Licensure at RA-licensuredivision@pa.gov.

Questions from SCAs or their case management contracted providers concerning this Information Bulletin can be addressed to the Treatment Division at RA-DATREATMENT@pa.gov.