



LICENSING ALERT 02-20

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Deputy Secretary
Department of Drug and Alcohol Programs

March 25, 2020

Effective Date: Immediately

Subject: Suspension of Regulation at 28 Pa. Code § 715.9(a)(4).

On March 19, 2020 the Substance Abuse and Mental Health Services Administration (SAMHSA) provided additional guidance to Opioid Treatment Programs (OTPs) in recognition of the evolving issues surrounding COVID-19 and the emerging needs facing OTPs. The guidance increased flexibility to allow the State Opioid Treatment Authority to expand the use of telehealth services by OTPs within the State.

SAMHSA will allow an initial evaluation for a patient who will be treated by the OTP with buprenorphine to be completed via telehealth. An OTP can treat an existing patient of the OTP with buprenorphine or methadone via telehealth.

On March 6, 2020, pursuant to the provisions of section 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. §§ 7101, et seq., Governor Tom Wolf issued a Proclamation of Disaster Emergency related to the novel Coronavirus disease (COVID-19). Pursuant to authorization from the Governor in accordance with the proclamation, and consistent with the SAMHSA guidance, the Department of Drug and Alcohol Programs (DDAP) is suspending the regulation at 28 Pa. Code § 715.9(a)(4), which requires Narcotic Treatment Programs (NTPs) to make a face-to-face determination before admission to treatment, for those clients who will receive buprenorphine treatment.

28 Pa. Code § 715.9(a)(4)

(a) Prior to administration of an agent, a narcotic treatment program shall screen each individual to determine eligibility for admission. The narcotic treatment program shall:

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(4) Have a narcotic treatment physician make a face-to-face determination of whether an individual is currently physiologically dependent upon a narcotic drug and has been physiologically dependent for at least 1 year prior to admission for maintenance treatment. The narcotic treatment physician shall document in the patient's record the basis for the determination of current dependency and evidence of a 1 year history of addiction.

This regulation is being suspended for the duration of the disaster emergency. Consistent with the guidance from SAMHSA, while the Governor's emergency declaration remains in place, NTPs may make the initial determination prior to admission for treatment via telehealth for individuals who will be treated using buprenorphine. NTPs must still have a narcotic treatment physician conduct an initial onsite face-to-face determination for individuals who will be treated using methadone.

All other regulations, unless also specifically suspended by the emergency declaration, remain in effect. An NTP implementing this suspension does not need to submit a waiver request. DDAP will advise NTPs of the expiration of this suspension by issuing a Licensing Alert.

Questions regarding this Licensing Alert can be directed to the Division of Drug and Alcohol Program Licensing at (717)783-8675 or RA-licensuredivision@pa.gov.