




LICENSING ALERT 01-2023

Ellen DiDomenico 
Deputy Secretary
Department of Drug and Alcohol Programs

February 22, 2023

Effective Date: Immediately

Subject: Continued Suspension of Regulation at 28 Pa. Code § 715.16(e).

Background: On March 18, 2020, DDAP issued [Licensing Alert 01-20](#), “Suspension of Regulation at 28 Pa. Code § 715.16(e)” to advise Opioid Treatment Programs (OTPs) of the federal exception and DDAP regulatory suspension to expand the availability of take-home methadone during the COVID-19 disaster emergency.

The Pennsylvania COVID-19 disaster emergency ended in June 2021. Nevertheless, OTPs have been permitted to continue to use the extended availability of take-home methadone under State legislation, [Act 30 of 2022](#), that extends regulatory suspensions that are related to federal exemptions granted under the federal public health emergency declaration.

In November 2021, the Substance Abuse and Mental Health Services Administration (SAMHSA) [announced](#) that they would extend the expanded availability of take-home methadone for one year after the end of the federal public health emergency declaration.

Update: On February 9, 2023, the Secretary of the U.S. Department of Health and Human Services [announced](#) the final renewal of the federal public health emergency declaration. The public health emergency will not be renewed when it expires on May 11, 2023. Both the federal and DDAP expansions of the availability of take-home methadone will remain in place until May 11, 2024. The department will keep the field aware of developments at the federal level that could extend flexibilities beyond May 2024.

An OTP implementing this suspension does not need to submit a waiver request. However, the OTP must indicate the change on the Attestation under § 715.16(a)(5) and submit the policies and procedures with the Attestation during the annual licensing process.

Please submit all questions regarding this Licensing Alert to the Bureau of Program Licensure at RA-licensuredivision@pa.gov.