



## LICENSING ALERT 01-20

Ellen DiDomenico  
Deputy Secretary  
Department of Drug and Alcohol Programs

A handwritten signature in blue ink that reads "Ellen DiDomenico".

March 18, 2020

**Effective Date:** Immediately

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

On March 16, 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 increased flexibility allowed for the State Opioid Treatment Authority to request blanket exceptions regarding take-home medications on behalf of OTPs within the State.

SAMHSA will allow take-home doses of up to 28 days for patients who are stable and up to 14 days for patients who are less stable but whom the OTP believes can safely handle that level of take-home medication. DDAP has submitted the required information to SAMHSA to request a blanket exception. OTPs must follow the protocols they have developed to implement the extended take-home procedures.

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 § 715.16(e), which prohibits Narcotic Treatment Programs (NTPs) from allowing a patient to receive more than a 2-week take-home supply of medication, for the duration of the disaster emergency. The current disaster emergency constitutes an exceptional circumstance pursuant to 28 Pa. Code § 715.16(d)(3) for all patients who are stable and responsible to receive take-home privileges.

**28 Pa. Code § 715.16(e)**

*With an exception granted under subsection 715.16(d), a narcotic treatment program may not permit a patient to receive more than a 2-week take-home supply of medication.*

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 have been granted a blanket exception for all patients who are stable to receive 28-days of take-home doses of the patient's medication for opioid use disorder.

The same blanket exception also allows NTPs to provide up to 14 days of take-home medication for those patients who are less stable but whom the NTP believes can safely handle this level of take-home medication.

The NTP may give take-home medications only to patients whom the narcotic treatment physician has determined are responsible and able to handle narcotic drugs outside the narcotic treatment program. The narcotic treatment physician shall make this determination after consultation with staff involved in the patient's care. The considerations to determine whether take-home medications are appropriate for a particular patient are listed in both federal regulations, 42 C.F.R. § 8.12(i)(2), and state regulations, 28 Pa. Code § 715.16(b).

All other regulations, unless also specifically suspended or waived by the emergency declaration, remain in effect. Please remember take-home medication is not allowed during a 30-day narcotic detoxification treatment. A narcotic treatment program shall observe the patient ingesting the medication 7 days per week. *See* 28 Pa. Code § 715.24(4)(i).

A provider implementing this suspension does not need to submit a waiver request. It must, however, update its policies to reflect these changes and provide them to DDAP. A provider may begin implementing this suspension upon submission of the updated policies to DDAP and is not required to wait for a formal response. DDAP will advise providers of the expiration of this suspension by issuing an Informational Bulletin.

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