



October 4, 2024

To: Pennsylvania Independent Regulatory Review Commission

From: Dr. Latika Davis-Jones, Secretary, Pennsylvania Department of Drug & Alcohol Programs

Re: Final Rulemaking, State Board of Medicine
16A-4962 Opioid Treatment Programs

The Pennsylvania Department of Drug and Alcohol Programs (DDAP) supports the final rulemaking package by the State Board of Medicine submitted to the Independent Regulatory Review Commission.

The opioid epidemic is the worst public health crisis in the Commonwealth; it is the top public health issue in the country, with drug overdose deaths ranking as the leading cause of injury death across the nation.

An opioid treatment program (OTP) is a program engaged in treatment of individuals with medication, including controlled substances, for opioid use disorder registered under the Controlled Substances Act at 21 U.S.C.A. § 823(h)(1). The federal regulations for certification of OTPs are at 42 CFR Part 8. The Pennsylvania Department of Drug and Alcohol Programs (DDAP) regulates OTPs at the state level. See 28 Pa. Code Ch. 715. DDAP certifies and issues licenses to drug and alcohol treatment programs and provides recommendations to the Substance Abuse and Mental Health Services Administration (SAMSHA) regarding federal certification of OTPs.

To ensure continuation of access to care during the federal COVID-19 public health emergency, SAMHSA temporarily exempted OTPs from the requirement to perform the in-person evaluation as specified in 42 CFR 8.12(f)(2). At the same time, DDAP, which licenses OTPs, and the State Board of Medicine, which licenses clinical professionals who work in OTPs, granted state-level regulatory flexibilities to allow expanded use of telehealth in the treatment of opioid use disorder (OUD). Now that the federal public health emergency has expired, SAMHSA has issued a final rule adopting the strategies, including telehealth, that proved successful in expanding access to treatment for OUD. See Medications for the Treatment of Opioid Use Disorder, 89 Fed. Reg. 7528 (February 2, 2024). One of the changes in the final rule allows initiation of treatment at an OTP based on a telehealth evaluation under appropriate clinical circumstances using audio-visual communication technology when available and with consent. 42 CFR 8.12(f)(2)(v). SAMHSA noted the effectiveness of telehealth in OTPs in issuing its final rule. See 89 Fed. Reg. 7532-33. DDAP, as the state agency that licenses OTPs, has exercised its discretion to [grant regulatory exceptions to the extent possible to mirror the federal rule](#). Upon the adoption of this rulemaking, DDAP intends to grant an additional exception to its regulation at 28 Pa. Code § 715.9(a)(4), to allow treatment based on an initial telehealth evaluation consistent with regulations by SAMHSA and the State Board of Medicine.

DDAP supports this effort by the State Board of Medicine to align regulations with the recommendations made by SAMHSA and those already in place at the federal level. This reform would make permanent the ability for OTPs to evaluate a person for treatment via telehealth service.

Telehealth offers numerous benefits in addressing the opioid overdose epidemic, including increased access to care, cost-effectiveness, enhanced engagement opportunities, and data-driven approaches. Leveraging these advantages can play a critical role in enhancing the quality, accessibility and effectiveness of opioid treatment and overdose prevention.

DDAP extends our gratitude to the IRRC for their consideration of this important step to improve access to care for persons with OUD.

A handwritten signature in black ink, appearing to read "Latika Davis-Jones". The signature is fluid and cursive, with the first name "Latika" being more prominent and the last name "Davis-Jones" following in a similar style.

Latika Davis-Jones, PhD, MPH, MSW
Secretary, Pennsylvania Department of Drug and Alcohol Programs