



**Pennsylvania  
Insurance Department**



November 26, 2024

Chairman George Bedwick  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Re: Final (with Proposed Omitted) Rulemaking: State Board of Medicine #16A-4962 (Opioid Treatment Programs)

Dear Chairman Bedwick and Commission Members,

Thank you for the opportunity to submit comments regarding State Board of Medicine Regulation #16A-4962 (Opioid Treatment Programs). The Pennsylvania Insurance Department ("Department") supports the changes to the State Board of Medicine's guidelines for prescribing controlled substances in opioid treatment programs (OTPs).

During the Covid-19 public health emergency, the Substance Abuse and Mental Health Services Administration (SAMHSA) implemented flexibilities regarding the requirement for OTPs to perform an in-person examination of a patient seeking treatment. Subsequently, the Governor issued a waiver of 49 Pa. Code § 16.92(b)(1), permitting providers to use telehealth in place of an in-person examination. However, the waiver did not make these flexibilities permanent. SAMHSA permanently updated its OTP regulations to allow initial patient screening via telehealth with a required in-person follow up. The Department supports the State Board of Medicine's efforts to align Pennsylvania's OTP guidance with federal guidance.

Regulation 16A-4962 recognizes it is vital for the Commonwealth to have a regulatory system in place that reflects modern treatment methods for opioid use disorder, including both medication assisted treatment (MAT) and OTP and preserves access to such treatment via telehealth services. The Department has highlighted the crucial role MAT plays in combatting the opioid epidemic, including requiring coverage of at least one form of MAT as required by Act 146 of 2022. Regulation #16A-4962 would provide wider and more efficient access to MAT.

It is also important to note that the telehealth capabilities tested throughout the Covid-19 pandemic remain an accessible and effective way to treat patients. Telehealth coverage standards were recently codified in Act 42 of 2024. The updated State Board of Medicine regulations would allow patients experiencing opioid use disorder to continue to reap the benefits of telehealth services and increased access to necessary health care services.

**Office of the Insurance Commissioner**

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The Pennsylvania Insurance Department supports this rulemaking because it will break down barriers, reduce stigma, increase access to care, and help combat the opioid epidemic in Pennsylvania.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Humphreys", with a stylized flourish at the end.

Michael Humphreys  
Commissioner