HHS Publishes Permanent Update for Opioid Treatment Programs Ahead of Expectations



2/28/2024

On February 2, 2024, the Substance Abuse and Mental Health Services Administration (SAMHSA), a division of the Department of Health and Human Services, published a final rule significantly updating the regulations governing Opioid Treatment Programs (OTPs) for the first time in 20 years. The final rule makes certain COVID-19 flexibilities permanent by expanding patient access and eligibility to medications for opioid use disorder by providing patients with the ability to initiate treatment via telehealth. Some of the other significant updates adopted in the final rule include allowing mid-level providers to order medications in OTPs to the extent permitted by state law, eliminating the requirement that patients have a history of addiction for a full year before being eligible for treatment, increasing access to interim treatment with or without medication treatment while awaiting further services, promoting patient-centric care, and removing the stigma around treatment by updating terminology to reflect current medical usage.

The final rule goes into effect on April 2, 2024, although OTPs will have until October 2, 2024 to ensure compliance. While finalizing more flexible regulations for OTPs, SAMHSA will continue to maintain accreditation requirements for all programs. The Drug Enforcement Agency (DEA) is expected to release a complementary rule that will pertain to those who are receiving care for substance use disorder but who are not participating in an OTP. It remains to be seen whether the DEA will permanently waive the in-person requirement for the prescription of controlled substances.

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