

EXECUTIVE ORDER NO. 103 WAIVERS

HEALTH

THE COMMISSIONER

Notice of Partial Revocation of Temporary Rule Waiver/Modification/Suspension Pursuant to Executive Order Nos. 103 (2020), 281 (2022), and 292 (2022)

Authorized: September 28, 2023, by Kaitlan Baston, MD, MSc, DFASAM, Acting Commissioner, Department of Health.

Authority: N.J.S.A. App.A:9-45 and 9-47; Executive Order Nos. 103 (2020), 281 (2022), and 292 (2022).

Effective Date: May 12, 2023.

Section 3 of EO 281 provided that certain administrative orders, directives, and waivers, issued by any Executive Branch departments and agencies pursuant to Executive Order No. (EO) 103 and the Emergency Health Powers Act to respond to the COVID-19 outbreak and set forth in an appendix to the EO, shall remain in full force and effect unless otherwise modified or revoked by the Executive Branch department or agency. EO 292 terminated the Public Health Emergency but declared that Executive Branch agency administrative orders, directives, and waivers that had not already been revoked would remain in full force and effect until revoked or modified by the department or agency head, or until the State of Emergency is no longer in effect. After due consideration, the Department of Health has determined that the temporary rule waivers/modifications identified below should be revoked because they are no longer consistent with Federal guidance governing the provision of services by Opioid Treatment Programs (OTPs) as the Substance Abuse and Mental Health Services Administration (SAMHSA) issued superseding, temporary guidance in April 2023, "Methadone Take-Home Flexibilities Extension

Guidance,” which is effective upon the expiration of the Federal COVID-19 Public Health Emergency, nor are they necessary for purposes of COVID-19 mitigation procedures.

Accordingly, the following waivers/modifications are hereby revoked as of the date indicated below:

Rule Citation	Register Citation	Effective Date	Subject
N.J.A.C. 10:161B-11.12(a)vii	54 N.J.R. 301(b)	May 12, 2023	Take-home medication dosage schedule
N.J.A.C. 10:161B-11.13(a)5	54 N.J.R. 301(b)	May 12, 2023	Extended take-home Medication
N.J.A.C. 10:161B, Appendix C	54 N.J.R. 301(b)	May 12, 2023	Take-Home Dosing and Delivery Guidelines In Response to COVID-19

For the foregoing reasons, including SAMHSA’s issuance of superseding guidance for OTPs, the Acting Commissioner of the Department of Health finds that the partial revocation of the revised temporary rule waivers/modifications above is necessary.