



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MENTAL HEALTH AND ADDICTION SERVICES
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TO: New Jersey Opioid Treatment Programs

FROM: Division of Mental Health and Addiction Services (DMHAS)
Division of Certificate of Need and Licensing–Behavioral Health
(CN&LBH)

DATE: May 12, 2023

Re: New SAMHSA Guidance on Take-Home Medication

In response to the COVID-19 pandemic, SAMHSA permitted certain relaxations related to “take-home medication” to allow for the continued delivery of services through opioid treatment programs (OTPs). The Department of Health issued temporary rule modifications of certain rules at N.J.A.C. 10:161B to implement these relaxations in New Jersey. In April 2023, SAMHSA issued new guidance, Methadone Take-Home Flexibilities Extension Guidance (the “new SAMHSA Guidance”), that will supersede prior SAMHSA guidance and take effect upon the expiration of the federal COVID-19 Public Health Emergency on May 11, 2023. New Jersey has received approval from SAMHSA to permit OTPs in the State to follow the new SAMHSA Guidance.

The DMHAS and CN&L-BH agree that OTPs should be allowed to incorporate the new SAMHSA Guidance into their programs as methadone treatment services are a vital part of the effort to address the opioid epidemic. Additionally, the new SAMHSA Guidance continues a federal trend towards continued relaxations that facilitate access to take-home medication to treat substance use disorder.

Therefore, effective immediately, OTPs may follow the new SAMHSA Guidance, which will remain in effect for a period of one year from the end of the federal PHE, or until such time that the U.S. Department of Health and Human Services (HHS) publishes final rules revising 42 C.F.R. Part 8, whichever is sooner. The new SAMHSA Guidance is attached, and is available via the following link: <https://www.samhsa.gov/medications-substance-use-disorders/statutes-regulations-guidelines/methadone-guidance>. OTPs must ensure that their policies and procedures reflect their incorporation of the new SAMHSA Guidance.

The temporary rule modifications at N.J.A.C. 10:161B-11.12(a)vii, -11.13(a)5 and Appendix C (Take-Home Dosing and Delivery Guidelines in Response to COVID-19) are no longer in effect and will be formally revoked in accordance with administrative procedures.

Should you have any questions about this memo, please feel free to contact Adam Bucon, State Opioid Treatment Authority, DMHAS, at Adam.Bucon@dhs.nj.gov.