



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

MARK PAYNE • Director, Division of Health Service Regulation

MEMORANDUM

TO: Opioid Treatment Programs

FROM: Robin Sulfridge, Chief, Mental Health Licensure and Certification Section

DATE: August 1, 2022

RE: Request for Temporary Waiver of 10A NCAC 27G .3604 (f)(1)(A)-(G) and (f)(3)(A)

As you may be aware, the Substance Abuse and Mental Health Services Administration (SAMHSA) has granted a temporary exemption from the unsupervised take-home medication requirements of 42 C.F.R. § 8.12(i) that are necessary to (1) dispense up to 28 days of take-home doses of opioid use disorder medication to stable patients if the Opioid Treatment Program (OTP) believes the patient can safely handle this amount of take-home medication and (2) dispense up to 14 days of take-home doses of opioid use disorder medication to less stable patients if the OTP believes the patient can safely handle this amount of take-home medication, with applicable conditions (herein referred to as “SAMHSA’s temporary exemption”). See, [Methadone Take-Home Flexibilities Extension Guidance | SAMHSA](#)

Pursuant to North Carolina General Statute § 122C-23(f), the Department of Health and Human Services’ Division of Health Service Regulation (DHSR) may, based on a written application and for good cause, waive any of the rules implementing Article 2 of Chapter 122C so long as those rules do not affect the health, safety, or welfare of individuals served by the facility. Upon receipt and approval of an OTP’s request for a waiver (using the request form attached to this memorandum), based on SAMHSA’s temporary exemption, DHSR will temporarily waive 10A NCAC 27G .3604 (f)(1)(A)-(G) and (f)(3)(A) subject to the OTP representing and agreeing to the parameters set forth in the attached document. DHSR is exercising this authority to waive rules in order to align with the SAMSA temporary exemptions.

An OTP may request a temporary waiver of 10A NCAC 27G .3604 (f)(1)(A)-(G) and (f)(3)(A) by competing and signing the attached document and returning it to DHSR’s Mental Health Licensure and Certification Section, Robin Sulfridge, Chief, via email (robin.sulfridge@dhhs.nc.gov).

Attachment

cc: Julie Cronin
Bethany Burgon
Emery Milliken
Mark Payne

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

LOCATION: 1800 Umstead Drive, Williams Building, Raleigh, NC 27603
MAILING ADDRESS: 2718 Mail Service Center, Raleigh, NC 27699-2718
<https://ncnar.ncdhhs.gov> • TEL: 919-855-3795 • FAX: 919-715-8078

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER