



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

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**LME/MCO Joint Communication Bulletin # J428**

**DATE:** August 9, 2022

**TO:** Local Management Entities/Managed Care Organizations (LME/MCOs)

**FROM:** Deb Goda, Associate Director, Behavioral Health and I/DD, NC Medicaid  
Renee Rader, Interim Deputy Director/Chief Operating Officer, DMH/DD/SAS

**SUBJECT:** **Opioid Treatment Programs (OTP) - Request for Temporary Waiver of 10A NCAC 27G .3604 (f)(1)(A)-(G) and (f)(3)(A)**

This bulletin provides an update to LME/MCO [Joint Communication Bulletin #J422](#) Extension of COVID-19 Flexibility for Opioid Treatment Programs (OTPs) Take Home Dosing issued July 6, 2022.

The Substance Abuse 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 dispense up to 28 days of take-home doses of opioid use disorder medication to stable patients if the OTP believes the patient can safely handle this amount of take-home medication, and 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.

At the federal level, this exemption will start at the end of the COVID-19 federal public health emergency (PHE) and continue for one year past the end of the COVID-19 PHE, unless modified or terminated by SAMHSA. The NC State Opioid Treatment Authority (SOTA) registered concurrence with this exemption and has been working with Division of Health Service Regulations (DHSR) on getting a temporary rule waiver to align with SAMHSA's exemption.

DHSR has created a pathway for programs to individually request a waiver of the state rule regarding the provision of unsupervised take home medication. OTPs can initial and sign the attached Waiver Agreement and Acknowledgement Form for each of their programs to request the waiver. Please refer to the DHSR memorandum, Request for Temporary Waiver of 10A NCAC 27G .3604 (f)(1)(A)-(G) and (f)(3)(A) issued Aug. 1, 2022 for further detail. Please see the attachment "OTP Waiver Request" form.

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If an OTP has a contract with an LME/MCO, they will need a letter from the LME/MCO agreeing that health and safety will not be negatively impacted by the waiver. If an OTP does not have a contract with an LME/MCO, then they will need to include a letter from their governing body or board of directors.

The waiver will cover take-home flexibilities for Medicaid and state-funded OTP services. A copy of the approved waiver will need to be submitted to any Standard Plan or LME/MCO with whom the OTP contracts.

If you have any questions, please contact Howard Anthony at 919-527-7664 or [howard.anthony@dhhs.nc.gov](mailto:howard.anthony@dhhs.nc.gov).

Previous bulletins can be accessed at: [www.ncdhhs.gov/divisions/mhddsas/joint-communication-bulletins](http://www.ncdhhs.gov/divisions/mhddsas/joint-communication-bulletins)

Attachment(s): Opioid Waiver Request  
Opioid Treatment Program Waiver Memo

cc: Dave Richard, NC Medicaid  
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