



OASAS

Improving Lives.

NEW YORK STATE

OFFICE OF ALCOHOLISM & SUBSTANCE ABUSE SERVICES

Addiction Services for Prevention, Treatment, Recovery

GOVERNOR
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July 23, 2008

Mr. H. Westley Clark, M.D., J.D., M.P.H., CAS, FASM
Director
U.S. Department of Health and Human Services
Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Treatment
1 Choke Cherry Road, Rm. 5-1015
Rockville, MD 20857

Dear Dr. Clark:

As the licensing agency for 115 opioid treatment programs (“OTP”) serving 43,889 patients, the New York State Office of Alcoholism and Substance Abuse Services (“OASAS”) has received and reviewed the “Dear Colleague” letter dated January 24, 2008 regarding unsupervised medication take-home doses when the OTP is closed for business including Sundays and Federal and State holidays.

It has always been OASAS’ understanding, based on a clear reading of the current Substance Abuse and Mental Health Services Administration’s (“SAMHSA”) Code of Federal Regulations 42 Part 8.12 Federal opioid treatment standards, that:

1. **Any** patient may be given a single take-home dose without meeting the defined criteria as stated in Part 8.12(i) (1):


“**Any** patient in comprehensive maintenance treatment may receive a single take-home dose for a day that the clinic is closed for business, including Sundays and State and Federal Holidays.”

2. Beyond this single take-home dose allowed for in 42 CFR Part 8.12 (i) (1), the program must look at additional criteria in determining whether the patient may receive further take-home doses as stated in Part 8.12 (i) (2):

“Treatment program decisions on dispensing opioid treatment medications to patients for unsupervised use beyond that set forth in paragraph (i)(1) of this section, shall be determined by the medical director. In determining which patients may be permitted unsupervised use, the medical director shall consider the following take-home criteria in determining whether a patient is responsible in handling opioid drugs for unsupervised use....”

OASAS policies comply with the current regulations and we will comply with any regulatory changes that SAMHSA may make in the future.

Sincerely,



Robert A. Kent
General Counsel

Cc: Nicholas Reuter, Senior Public Health Advisor, CSAT
Thomas Nightingale, Associate Commissioner, OASAS
Frank McCorry, Director, Office of NYC Operations, OASAS
Fred Meservey, Bureau Director, OASAS
Belinda Greenfield, State Methadone Authority, OASAS
Deborah Egel, Senior Attorney, OASAS
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