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TO: BSAS LICENSEES, PROVIDERS, AND STAKEHOLDERS

FROM: DEIRDRE CALVERT, DIRECTOR, BUREAU OF SUBSTANCE ADDICTION SERVICES

SUBJECT: UPDATES TO REGULATIONS RELATED TO SPECIAL PROJECTS 105 CMR 164.000 – LICENSURE OF SUBSTANCE USE DISORDER TREATMENT PROGRAMS

DATE: NOVEMBER 11, 2022

The purpose of this memo is to issue guidance to all providers licensed/approved by the Massachusetts Department of Public Health's (DPH) Bureau of Substance Addiction Services (BSAS) regarding new requirements related to Special Projects in BSAS' regulations for *Licensure of Substance Use Disorder Treatment Programs*, 105 CMR 164.000.

This guidance seeks to inform providers of changes to the Regulations and point them to particular sections that pertain to Special Projects.

BSAS recognizes that each situation has its unique facts and circumstances and encourages stakeholders with specific questions to contact your Regional License Inspector: <https://www.mass.gov/service-details/information-for-licensed-substance-use-disorder-treatment-programs>

BSAS encourages all providers to review the updated regulations in their entirety, which may be found at the following link: <https://www.mass.gov/regulations/105-CMR-16400-licensure-of-substance-abuse-treatment-programs>

Revisions Related to Special Projects (105 CMR 164.099):

The Special Projects license or approval was not previously identified in 105 CMR 164.000. This licensure or approval will support **the delivery of substance use treatment for programs with a unique treatment model that meets the immediate need(s) of a special population that is determined to be underserved by existing licensed or approved substance use disorder (SUD) treatment models** and that that may not align with the current service settings outlined within 105 CMR 164.000.

The Department will consider proposals for special projects for the innovative delivery of substance use disorder services.

- Services shall not pose a threat to patient health and safety and should be delivered in an evidenced-based and trauma-informed manner while demonstrating positive outcomes.
- Special projects may be time-limited and be subject to conditions by the Department.
- Any proposal for a special project license or approval from the Department must meet the definition of “Substance Use Disorder Treatment” and “Substance Use Disorder Treatment Program” under 105 CMR 164.005.

Application Process and Expectations for Compliance:

An application for a special project approval must be submitted in a manner prescribed by the Department.

The application should include the following:

- Demonstrate the immediate need for the service, for example in response to a public health emergency.
- Describe the innovative and delivery of the service and how it will satisfy the current need.
- Meet all applicable requirements in 105 CMR 164.000 Part One.
- Include one or more treatment service components within 105 CMR 164.000 Part Two.
- Demonstrate that the innovative service delivery model is evidence-based and/or consistent with medical efficacy.

Special Projects may require a waiver pursuant to 105 CMR 164.023 for certain regulatory requirements, and Providers are expected to complete due diligence to ensure compliance with all applicable state and federal requirements.