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To: Massachusetts Opioid Treatment Programs

From: Jen Babich, State Opioid Treatment Authority

Subject: The Physical Evaluation of Patients Who Will Be Treated with Buprenorphine at OTPs

Date: May 22, 2023

SAMHSA has recently announced (<https://www.samhsa.gov/medications-substance-use-disorders/statutes-regulations-guidelines/buprenorphine-at-opioid-treatment-programs>) the extension of the requirement to perform an in-person physical evaluation for any patient who will be treated by the OTP with buprenorphine if a program physician, primary care physician, or an authorized healthcare professional under the supervision of a program physician, determines that an adequate evaluation of the patient can be accomplished via telehealth. It remains the treating provider's clinical judgement when determining the use of a telehealth or in-person evaluation.

The May 10, 2023, SAMHSA Guidance (hereinafter "the Guidance") will remain in effect for the period of one year from the end of the COVID-19 Public Health Emergency, or until such time that the U.S. Department of Health and Human Services publishes final rules revising 42 C.F.R part 8, whichever occurs sooner.

Massachusetts concurred with the exercise of this exemption and has communicated this concurrence with SAMHSA. DPH BSAS OTP regulations align with SAMHSA's federal OTP regulations and guidance.

Please contact Jen Babich, SOTA at Jennifer.Babich@Mass.Gov or Mike Gurney, Opioid Services Coordinator at Michael.Gurney@Mass.Gov with any questions.