

3/19/2020

Re: Department of Licensure COVID-19 Response for Nonresidential Opioid Treatment Programs

In response to the COVID-19 public health threat, the Department of Licensure, in cooperation with the State Opioid Treatment Authority (SOTA), has identified several program minimum requirements that need to be addressed in order to accommodate the recommendations being made to reduce the potential exposure to the Coronavirus. These temporary modifications are made in an effort to ensure that quality clinical services can continue to be provided while reducing exposure risk to patients and staff at these facilities. Program staff is encouraged to contact licensure staff and the SOTA with any questions regarding ongoing program compliance during this difficult time.

Licensure Staff Directory: <https://www.tn.gov/behavioral-health/licensing.html>

SOTA Contact Email: Wesley.Geminn@TN.gov

Approved Changes to Minimum Program Requirements:

0940-05-42-.06(8)(a), .07(2)(a)6, and .26(1)(d). – Regarding Physical Exam Requirements

- Current rules require that a physical exam, as part of the initial assessment, is required to be completed within 7 days of admission and annually thereafter. This rule has been temporarily modified to require that physical exams occur within 30 days of admission. The clinic medical staff shall document in the patient's medical chart if a physical exam cannot be completed within 30 days of admission with an anticipatory completion date. Annual medical exams for established patients may be deferred at the medical staff's discretion.

0940-05-42-.11(1) – Regarding Signatures on Individualized Program Plans (IPP)

- Current rule requires that patients physically sign their IPP after each time that it is updated. This rule has been temporarily modified to require that IPP plans be developed with the client by telephone or televideo. The clinic staff documenting the IPP in the client's chart will document that the patient verbalizes agreement with the IPP and will obtain physical signature as soon as appropriate.

0940-05-42-.17 – Regarding Drug Screens

- Current rule includes several requirements regarding consecutive unfavorable drug screens. This rule has been temporarily modified to require that clinic medical staff identify which patients would benefit from ongoing routine drug testing during this time, and which patients pose a low risk and whose drug testing can safely be deferred. The clinic staff shall document in the patient's medical record the temporary drug screen schedule.

0940-05-42-.26(1)b – Regarding Hours of Operation

- Current rule requires that clinics be open seven days a week for dosing and provide clinical services at least six days a week. This rule has been temporarily modified to require that patients dosing on Sunday be limited to only those patients that the medical director deems are absolutely necessary, and for whom take-home doses would be inappropriate. The facilities shall utilize this change on Sundays to perform a deep environmental clean of the entire facility.

Blanket Waivers created in coordination with SAMHSA

1. Patients deemed clinically stable and low diversion risk are eligible to receive up to 13 take-homes (attend clinic once every other week) at the medical provider's discretion.
2. Patients deemed not yet stable or may be at higher risk are eligible to receive up to 4 take-homes per week (attend clinic 3 nonconsecutive days per week) at the medical provider's discretion.
3. Programs are approved to determine alternate delivery of medication for patients that are homebound. Programs shall include procedures for determining trustworthy individuals approved by the patient to pick up medication on their behalf. Programs shall ensure that the alternate individual presents identification and signs a chain-of-custody form at the time of pick up. Programs shall call the patient afterwards to determine that the medication was received.

Note – Please do not submit exceptions through the Extranet that are covered by these approved rule modifications and blanket waivers