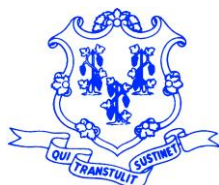


The Connecticut General Assembly

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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: April 23, 2024

Regulation No:	2024-9
Agency:	Department of Public Health
Subject Matter:	Mobile Narcotic Treatment Programs
Statutory Authority: (copy attached)	19a-493(d)(4)

	Yes or No
Mandatory	N
Federal Requirement	N
Permissive	Y

For the Committee's Information:

Substantive Concerns:

1. On page 1, in section 19a-495-22-1(3), the proposed regulation defines the term "authorized healthcare provider" and uses this term on page 6, in sections 19a-495-22-5(c) and 19a-495-22-6(a). On page 4, in section 19a-495-22-3(a)(1)(D), the term "authorized multicare institution employees" is used. On page 6, in section 19a-495-22-6(a)(3), the term "authorized staff" is used. On page 6, in section 19a-495-22-6(b), the term "authorized providers of the mobile narcotic treatment program" is used. It is not clear whether these terms are intended to be different than the defined term,

"authorized healthcare provider". Such terms should be clarified. To the extent these terms refer to the same thing, one such term should be used.

2. On page 3, in section 19a-495-22-2(b)(6), the proposed regulation provides for an optional "timely announced inspection of the mobile narcotic treatment program" following the initial approval of a program's application. It is not clear whether "timely" refers to the announcement of the inspection or to the inspection. Further, a method of announcing such inspection is not specified. Additionally, in section 19a-495-22-2(b)(7), it is not clear whether a satisfactory inspection is a requirement or only in the case where an inspection was conducted pursuant to section 19a-495-22-2(b)(6). These provisions should be clarified.
3. On page 3, in section 19a-495-22-2(b)(7), the proposed regulation prohibits a mobile narcotic treatment program, whose application has been approved by the Department of Public Health, from operating until the department receives notification that the program has received DMHAS certification, as defined on page 1, in section 19a-495-22-1(6). It is not clear who should provide such notification and in what form and manner. The procedure for a mobile narcotic treatment program to receive DMHAS certification is also unclear. These provisions should be clarified.
4. On page 3, in section 19a-495-22-2(b)(10), the proposed regulation requires that a multicare institution provide notice to patients of changes to or termination of mobile narcotic treatment program services. A specified timeframe and method of communication for such notification should be added for clarity. Additionally, the reference to "all applicable regulations" should be replaced with the actual section number references for the applicable regulations for clarity and proper form.

Technical Corrections:

1. Throughout the proposed regulation, "(NEW)" should be inserted before each new section of the proposed regulation, for proper form.
2. Throughout the proposed regulation, the use of capitalization in the catchlines should be consistent, for proper form.
3. On page 1, after the introductory language and before "Sec. 19a-495-22-1. Definitions.", the list of sections 19a-495-22-1 to 19a-495-22-6, inclusive, and their respective catchlines should be deleted, for proper form.
4. On page 1, in section 19a-495-22-1, in the catchline, the bolded period should be deleted, for consistency and after the catchline, "As used in this section and sections 19a-495-22-2 to 19a-495-22-6, inclusive, of the Regulations of Connecticut State Agencies:" should be inserted, for clarity.

5. On page 1, in section 19a-495-22-1(1), "according to admission criteria in 42 CFR 8.12" should be "in accordance with patient admission criteria, as described in 42 CFR 8.12," for clarity.
6. On page 1, in section 19a-495-22-1(3), "(APRN)" and ". For the purposes of this section, authorized healthcare providers are those" should be deleted, for proper form; "schedule II through V medications" should be "narcotic drugs in DEA schedule II to V, inclusive," for proper form and consistency; and "chapter 420c" should be "Chapter 420c", for consistency.
7. On page 1, in section 19a-495-22-1(4), "of the Department" should be deleted, for accuracy and "Commissioner's designee" should be "commissioner's designee", for consistency.
8. On page 1, in section 19a-495-22-1(5), the defined term should be rewritten as follows, for proper form: ""DMHAS" means the Department of Mental Health and Addiction Services;"
9. On page 1, in section 19a-495-22-1(6), in two instances, "DHMAS" should be "DMHAS", for accuracy.
10. On page 1, in section 19a-495-22-1(7), "Connecticut" should be deleted, as unnecessary and the period at the end of the subdivision should be a semicolon, for consistency.
11. On page 1, in section 19a-495-22-1(9), the defined term should be rewritten as follows, for accuracy and clarity: "Mobile narcotic treatment program" means a mobile narcotic treatment program, as defined in 21 CFR 1300.01, that is operated by a multicare institution and maintains a controlled substance registration pursuant to Chapter 420c of the Connecticut General Statutes;"
12. On page 2, in section 19a-495-22-1(10), a comma should be inserted after "motor vehicle", for proper form and "licensed by the Department" should be deleted, as unnecessary.
13. On page 2, in section 19a-495-22-1(11) and (15), "as in Section" should be "as provided in Section", for proper form.
14. On page 2, in section 19a-495-22-1(12), the term "pharmacist" is defined but the term is not used in the regulation. The definition should be deleted or the term should be used substantively within the regulation.
15. On page 2, in section 19a-495-22-2(a), "Section" should be inserted before "19a-493(d), for proper form; "licensed" should be deleted, as unnecessary; and "outside of the licensed institution" should be "outside of the multicare institution", for consistency.

16. On page 2, in section 19a-495-22-2(b)(1), "licensed by the Department and" and "to offer services at off-site locations as a satellite unit" should be deleted, as unnecessary.
17. On page 2, in section 19a-495-22-2(b)(3), "but not be limited to" should be deleted, as unnecessary.
18. On pages 2 and 3, in section 19a-495-22-2(b)(3)(E), "proposed satellite unit outside of the licensed institution, to include, but not be limited to" should be "mobile narcotic treatment program, including, but not limited to", for consistency and proper form.
19. On page 3, in section 19a-495-22-2(b)(4), commas should be inserted before and after "in the commissioner's discretion", for proper form.
20. On page 3, in section 19a-495-22-2(b)(5), "receipt of such application" should be "the receipt of any application", for clarity and "multi-care institution" should be "multicare institution", for consistency.
21. On page 3, in section 19a-495-22-2(b)(8), the subdivision should be rewritten as follows, for clarity: "A mobile narcotic treatment program's approval may be renewed biennially at the time of the multicare institution's biennial renewal pursuant to Section 19a-493(a) of the Connecticut General Statutes."
22. On page 3, in section 19a-495-22-2(b)(10), "at least thirty days prior" should be "not less than thirty days prior" and in two instances, "mobile services" should be "mobile narcotic treatment program services", for consistency.
23. On page 4, in section 19a-495-22-3(a), "vehicles being used as a" should be deleted, for clarity and in the second line, "vehicle" should be "vehicles", for clarity, and "Connecticut" should be deleted, as unnecessary.
24. On page 4, in section 19a-495-22-3(a)(1), subdivision designator "(1)" should be subsection designator "(b)" and subparagraph designators "(A)" to "(I)", inclusive, should be subdivision designators "(1)" to "(9)", inclusive, for proper form; in newly designated subdivision (1), "DEA schedules II to V" should be "DEA schedules II to V, inclusive", for proper form; and in newly designated subdivisions (2) and (7), "in the vehicle" should be added after "installed", for clarity.
25. On page 4, in section 19a-495-22-4(a), "but not be limited to" should be ", but need not be limited to," for clarity; and in section 19a-495-22-4(c) and (d), "mobile component" should be "mobile narcotic treatment program", for consistency.
26. On page 5, in section 19a-495-22-4(f), ", contingency policies and protocols concerning" should be inserted after "but not limited to", for clarity.
27. On page 5, in section 19a-495-22-4(g), a period should be inserted after "21 CFR 1301.72(e)(1)", for proper form.

28. On page 5, in section 9a-495-22-4(h), in the first line, "a" should be "the", for proper form; and in the second line, "as" should be deleted and "Sec.19a-495-570 (m)(9)" should be "Section 19a-495-570(m)(9)", for proper form.
29. On page 5, in section 19a-495-22-4(i), a comma should be inserted before "as applicable", for proper form.
30. On page 5, in section 19a-495-22-4(j), "be in compliance" should be "comply", for clarity; "sections 19a-495-570" should be "Section 19a-495-570", for proper form; and "Sec. 19a-495-22-5" should be "Section 19a-495-22-5 of the Regulations of Connecticut State Agencies", for proper form.
31. On page 5, in section 19a-495-22-4(k), ", and shall not" should be "or", for proper form.
32. On page 5, in section 19a-495-22-5(a), in the second line, "also" should be deleted, for proper form; in section 19a-495-22-5(a)(3) and (5), "mobile component" should be "mobile narcotic treatment program", for consistency; and in section 19a-495-22-5(a)(5), the extra space before "generated" should be deleted, for proper form.
33. On page 6, in section 19a-495-22-5(a)(6), "mobile component" should be "mobile narcotic treatment program", for consistency; and in section 19a-495-22-5(b), "Section" should be "Sections", for proper form.
34. On page 6, in section 19a-495-22-6(a), "pursuant to a mobile narcotic treatment program" should be added after "substances", for clarity.
35. On page 6, in section 19a-495-22-6(a)(1) and (2), "schedules II-V" should be "DEA schedules II to V, inclusive", for consistency.
36. On page 6, in section 19a-495-22-6(a)(1), "shall" be inserted before "have control", for clarity.
37. On page 6, in section 19a-495-22-6(a)(2), "are secured" should be "shall be secure", for clarity.
38. On page 6, in section 19a-495-22-6(a)(3), "has returned" should be "shall return", for clarity, and in the fifth line, "remove and secure all narcotic drugs in schedules II-V" shall be "remove all narcotic drugs in DEA schedules II to V, inclusive, from the mobile narcotic treatment vehicle, secure such drugs", for clarity.
39. On page 6, in section 19a-495-22-6(a)(4), "to the DEA" should be added after "may apply", for clarity and "by the DEA" should be added after "waiver approved", for clarity.

Recommendation:

<p>Approval in whole with technical corrections with deletions with substitute pages Disapproval in whole or in part X Rejection without prejudice</p>
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Reviewed by: Nicholas Panzarella / Catriona Stratton

Date: April 12, 2024

Sec. 19a-493. (Formerly Sec. 19-578). Initial license and renewal. Prior approval for change in ownership. Multicare institution. Regulations.

(d) (1) A multicare institution may, under the terms of its existing license, provide behavioral health services or substance use disorder treatment services on the premises of more than one facility, at a satellite unit or at another location outside of its facilities or satellite units that is acceptable to the patient receiving services and is consistent with the patient's assessment and treatment plan. Such behavioral health services or substance use disorder treatment services may include methadone delivery and related substance use treatment services to persons in a nursing home facility pursuant to the provisions of section 19a-495c or in a mobile narcotic treatment program, as defined in 21 CFR 1300.

(2) Any multicare institution that intends to offer services at a satellite unit or other location outside of its facilities or satellite units shall submit an application for approval to offer services at such location to the Department of Public Health. Such application shall be submitted on a form and in the manner prescribed by the Commissioner of Public Health. Not later than forty-five days after receipt of such application, the commissioner shall notify the multicare institution of the approval or denial of such application. If the satellite unit or other location is approved, that satellite unit or location shall be deemed to be licensed in accordance with this section and shall comply with the applicable requirements of this chapter and regulations adopted under this chapter.

(3) A multicare institution that is a hospital providing outpatient behavioral health services or other health care services shall provide the Department of Public Health with a list of satellite units or locations when completing the initial or renewal licensure application.

(4) The Commissioner of Public Health may adopt regulations, in accordance with the provisions of chapter 54, to carry out the provisions of this subsection. The Commissioner of Public Health may implement policies and procedures necessary to administer the provisions of this subsection while in the process of adopting such policies and procedures as regulation, provided the commissioner prints notice of intent to adopt regulations in the Connecticut Law Journal not later than twenty days after the date of implementation. Policies and procedures implemented pursuant to this section shall be valid until the time final regulations are adopted.