VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 7

An Act to require regulations for the evaluation of the need and appropriateness for certain providers; moratorium.

[S 753]

Approved February 25, 2005

Whereas, a number of new clinics for the treatment of persons with opiate addiction have been proposed or licensed in the Commonwealth in the last several years; and

Whereas, most clinics treating persons with opiate addiction dispense Methadone, a replacement drug that is taken for years by persons with opiate addiction, in many cases, for life; and

Whereas, although Methadone neutralizes withdrawal symptoms and stabilizes persons with opiate addiction, Methadone does not cure the addiction; and

Whereas, prior to 2000, opiate dependence treatment was only available through treatment clinics authorized by federal law and regulation to dispense Methadone or other Schedule II drugs for such treatment; and

Whereas, in recent years several developments at the federal level may increase the availability of treatment for opiate addiction, i.e., the Food & Drug Administration approved several new drugs for opiate addiction treatment (Subutex and Suboxone) and pursuant to the federal Drug Addiction Treatment Act (DATA) of 2000, these drugs can be prescribed through physicians' offices; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Standards for the evaluation of the need and appropriateness for certain new licenses; moratorium on licensure of providers until standards in place.*

A. In addition to the existing regulations, the State Mental Health, Mental Retardation and Substance Abuse Services Board shall establish, pursuant to the Administrative Process Act, standards to evaluate the need and appropriateness for the issuance of new licenses to providers of treatment for persons with opiate addiction through the use of Methadone or any other controlled substance approved by the Food & Drug Administration for the use in opiate treatment. The standards shall include criteria for (i) determination of need for new clinics, taking into consideration (a) the number of persons residing in the service area who are known or reasonably estimated to be in need of such treatment; (b) the availability of relevant staff in the service area; and (c) the building or space proposed to be the site of the new clinic and its suitability; (ii) the availability of counseling or other services necessary for effective treatment of persons with opiate addiction; (iii) existing access to such treatment, including through physicians' offices; (iv) the reasonable parameters, both geographic and demographic, of a clinic's service area; and (v) the proposed clinic's plan of operation, including security and accountability measures.

B. Notwithstanding the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services' discretion to grant licenses to providers of treatment for persons with opiate addiction through the use of the controlled substance, methadone, or other opioid replacements, a moratorium on the issuance of new licenses for such providers shall be in effect from the enactment date of this act until the date on which the regulations required by subsection A become effective.

2. That the State Mental Health, Mental Retardation and Substance Abuse Services Board shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

3. That an emergency exists and this act is in effect from its passage.