


POLICY AND PROCEDURE

<u>POLICY TITLE:</u> Buprenorphine Prescribing Practitioners <u>Formerly known as:</u> Buprenorphine Waivered Practitioners practicing in settings licensed or certified by DSAMH	<u>POLICY #:</u> DSAMH024
<u>PREPARED BY:</u> Policy and Compliance Unit	<u>DATE ISSUED:</u> 05/10/2021
<u>RELATED POLICIES:</u> N/A	<u>REFERENCE:</u> Delaware Adult Behavioral Health DHSS Service Certification and Reimbursement Manual
<u>DATES REVIEWED:</u> 06/06/2022 02/28/2023 01/24/2024 02/27/2025	<u>DATES REVISED:</u> 05/18/2022 02/08/2023 01/24/2024 02/19/2025
<u>APPROVED BY:</u>  <u>DATE SIGNED:</u> 7/9/2025 7:03 AM PDT	<u>NOTES:</u> <input type="checkbox"/> DSAMH Internal Policy <input type="checkbox"/> DSAMH Operated Program <input checked="" type="checkbox"/> DSAMH State Providers <input type="checkbox"/> Delaware Psychiatric Center <input type="checkbox"/> Targeted Use Policy (Defined in scope)

I. **PURPOSE:**

The purpose of this policy is to identify when prescribers who provide Office-Based Opioid Treatment (OBOT) services require licensing from DSAMH. Buprenorphine Prescribing Practitioners are not required to be licensed or certified by DSAMH. However, programs that are providing substance use disorder (SUD) and co-occurring treatment program services must be licensed according to State regulations. Licensure shall be required for an OBOT practice if the practice expands to include comprehensive behavioral health services that meet the definition of State regulations. (See Section V: Exclusions below).

II. **POLICY STATEMENT:**

All practitioners who have a current DEA registration that includes Schedule III authority may prescribe buprenorphine for opioid use disorder in their practice. Any OBOT practice that expands its services to include comprehensive SUD treatment must obtain DSAMH licensure.

III. **DEFINITIONS:**

“Buprenorphine Prescribing Practitioners” means all practitioners who have a current DEA registration that includes Schedule III authority.

“DEA” means Drug Enforcement Administration.

“DSAMH” means the Division of Substance Abuse and Mental Health.

“Medications for Opioid Use Disorder (MOUD)” means the use of medications to treat opioid use disorders.

“Prescription Drug Monitoring Program (PDMP)” means an electronic database that tracks controlled substance prescriptions and prescribers. PDMPs can help identify patients who may be misusing prescription opioids or other prescription drugs and who may be at risk for overdose.

“OBOT” means **“Office-Based Opioid Treatment”** which is provided by a Buprenorphine Prescribing Practitioner. It does not require licensing by DSAMH.

“Outpatient Treatment Services” refers to a Substance Use Disorder Treatment Program that has a DSAMH Substance Abuse Facility license.

“SOTA” means the State Opioid Treatment Authority, who is an individual designated as the authority for SAMHSA for the State of Delaware. Opioid Treatment Programs work with and seek approval of the SOTA when required by SAMHSA regulations.

IV. **SCOPE**: Any facility that expands their scope of substance use disorder treatment services beyond the prescription of buprenorphine.

V. **EXCLUSIONS**: The following programs and providers are excluded from this policy:

- A. Programs not engaged in substance use disorder treatment services who have hired Buprenorphine Prescribing Practitioners. These programs typically refer out to substance use disorder treatment programs for clients requiring individual and/or group counseling, psychosocial support, and case management services for substance use disorder treatment. Typically, these are office-based practices located in primary care offices. They do not require DSAMH licensing.
- B. For private practitioner's offices or groups of private practitioners:
 1. A facility/agency license is not required for individual or group practices of licensed counselors/therapists if these services are under the auspices of their individual credentials for billing purposes.
 2. If program status is unclear, Deputy Unit Chief of Policy and Compliance will consult with the SOTA for guidance.

VI. **PROCEDURES/RESPONSIBILITIES**:

- A. The facility must contact DSAMH prior to expanding services beyond MOUD treatment to begin the process of licensure for SUD treatment.
- B. Provider Enrollment will evaluate the following to assess if the provider requires a DSAMH license:
 1. If the program meets any exclusionary criteria above, Provider Enrollment shall guide the provider appropriately and not accept application.
 2. If the program provides services that meet the criteria for a level of care identified as ASAM level 1.0 through 3.7 the program requires a license.
- C. Once it is identified that the program requires a license, Provider Enrollment will evaluate the following:

1. For all new programs, programs shall meet licensing and Medicaid certification criteria for SUD Treatment Services:
 - a. Meets minimum for Outpatient Services.
 - b. The Buprenorphine Prescribing Practitioners possess a current DEA registration that includes Schedule III authority and have provided copies of the registration to DSAMH.
 - c. Any provider obtaining a license must also obtain Medicaid certification. Providers shall follow all of the requirements for both Medicaid certification and licensure, as described in the most current version of the Delaware Adult Behavioral Health Service Certification and Reimbursement Provider Specific Policy Manual.
 - d. The provider has policies and procedures for medication informed consents, medication education, and medication order records.
 - e. The provider has policies and procedures for checking the [Delaware Prescription Monitoring Program \(PMP\)](#).
 - f. The provider has policies and procedures for referring clients when the level of care exceeds services provided at Outpatient.
 - g. Buprenorphine Prescribing Practitioners are following all State and federal regulations.
 - h. The provider has policies and procedures on special populations including, but not limited to, adolescents, pregnant persons, and senior citizens.

VII. **POLICY LIFESPAN**: Annual review as required, dependent on changes to state licensure standards, Medicaid Certification, or Federal guidelines.

VIII. **RESOURCES**:

<https://www.dhss.delaware.gov/dhss/dsamh/files/ReimbursementManual.pdf>

https://www.cdc.gov/overdose-prevention/?CDC_AAref_Val=https://www.cdc.gov/drugoverdose/pdmp/providers.html

<https://www.samhsa.gov/medications-substance-use-disorders/removal-data-waiver-requirement>