



**Notice of Proposed Rulemaking
Regulatory Impact Statement**

Amend PART 816

SUBSTANCE USE DISORDER WITHDRAWAL AND STABILIZATION SERVICES

1. Statutory Authority:

- (a) Section 19.09 of the Mental Hygiene Law authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under their jurisdiction.
- (b) Section 19.15 of the Mental Hygiene Law bestows upon the Commissioner the responsibility of promoting, establishing, coordinating, and conducting programs for the prevention, diagnosis, treatment, aftercare, rehabilitation, and control in the field of substance use disorder.
- (c) Section 19.40 of the Mental Hygiene Law authorizes the Commissioner to issue operating certificates for the provision of substance use disorder services.
- (d) Section 22.09 of the Mental Hygiene Law directs the Commissioner to designate hospitals and other appropriate facilities as providers of emergency detoxification and stabilization services for persons needing or seeking emergency treatment.

2. Legislative Objectives: The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction services, including the provision of medications for addiction treatment, as well as standards for providers seeking to offer such services.

3. Needs and Benefits: OASAS is updating the language used in this regulation consistent with amendments made to other OASAS regulations to clarify provider requirements with respect to the provision of medication for addiction treatment for substance use disorder and to update definitions consistent with other OASAS regulations. This level of service is very medically focused and is applicable to both hospital and community-

based detox programs. Provisions include reference to all appropriate medical, psychiatric and substance use protocols consistent with the medical standards of care and OASAS guidance and withdrawal protocols.

4. Costs: No additional administrative costs to the agency are anticipated.
5. Paperwork: There is no additional paperwork beyond what is already required.
6. Local Government Mandates: There are no new local government mandates.
7. Duplications: This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.
8. Alternatives: The alternative is to leave the regulation as it currently reads, with language inconsistent across Title 14 regulations and providers unsure of their obligation to provide medication for addiction treatment for substance use disorders. Additionally, while withdrawal protocols are included in guidance issued by the agency, the obvious preference for program operation is to identify such protocols in the regulation.
9. Federal Standards: This regulation does not conflict with federal standards.
10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the *State Register*.