

**Notice of Public Hearing**

LSA Document #14-343

**Notice of Public Hearing**

Under [IC 4-22-2-24](#), notice is hereby given that on January 29, 2015, at 9:00 a.m., at the Indiana Government Center South, 402 West Washington Street, Conference Center Room 5, Indianapolis, Indiana, the Division of Mental Health and Addiction will hold a public hearing on a proposed rule that amends [440 IAC 10-1](#) to change and add definitions; adds [440 IAC 10-2-2](#) to designate the director of the Division of Mental Health and Addiction or his or her designee as the state opioid treatment authority; amends [440 IAC 10-4-13](#) to clarify responsibilities of a program physician and a medical director and to allow a licensed clinical addiction counselor to work as a counselor for an opioid treatment program; amends [440 IAC 10-4-16](#) to change the term physical evaluation to initial assessment and clarifies the requirements for conducting an initial assessment; amends [440 IAC 10-4-19](#) to list other medications as alternatives to methadone that may be used by opioid treatment programs to treat patients and to require the program physician to check the Indiana INSPECT program prior to administering any opioid treatment medications, to document the findings in the patient's record, and to explain to the patient the risks and benefits of treatment medication and relevant facts concerning the use of opioid treatment medications to ensure that the patient voluntarily chooses maintenance treatment; amends [440 IAC 10-4-26](#) to require opioid treatment programs to submit exception requests to the division for all self-administered opioid treatment medication for more than seven days; adds [440 IAC 10-4-42](#) to establish standards and protocols for patients who are receiving opioid treatment medications; and adds [440 IAC 10-4-43](#) to establish mandatory reporting requirements.

P.L.131-2014 (HEA 1218), codified in [IC 12-23-18-5](#), [IC 12-23-18-7](#), and [IC 12-23-18-8](#), requires the Division of Mental Health and Addiction (DMHA) to adopt rules to establish standards and protocols for opioid treatment programs and the dispensing of controlled substances by opioid treatment programs. Among other things, the proposed rule will require a treatment program to perform certain assessments and evaluations and make certain disclosures to persons receiving opioid treatment. ([IC 12-23-8-7\(a\)](#)). These requirements, which are required by statute, will impose an increase in the administrative responsibilities, and therefore labor costs, on the treatment programs. DMHA has relied solely on its own internal, common-sense analysis and estimates that the cost could range from a half hour to several hours of additional work a day for a treatment program. The actual cost will depend on the wage rates paid by the treatment program to the persons performing the work. The costs and requirements in the proposed rule are necessary to carry out the General Assembly's direction.

All parties interested in the proposed rule are invited to attend the public hearing and to offer public comments. In lieu of attendance at the public hearing, written comments may be sent to: FSSA, Attention: Kim Crawford c/o Mick Schoenrad, 402 W. Washington St., Room W451, Indianapolis, IN 46204. Correspondence should be identified in the following manner: "COMMENT RE: LSA Document #14-343, Opioid Treatment Program Rule Amendments". All written comments concerning the rule received by the Division of Mental Health and Addiction will be available for public inspection at the Office of General Counsel, Indiana Government Center South, 402 West Washington Street, Room W451, Indianapolis, Indiana.

Copies of the proposed rule and this notice are now available on the Family Social Services Administration website at:

<http://www.in.gov/fssa/4543.htm>

Copies of these rules are now on file at the Indiana Government Center South, 402 West Washington Street, Room W451 and Legislative Services Agency, 100 North Senate Avenue, Room N201, Indianapolis, Indiana and are open for public inspection.

Kevin Moore  
Director  
Division of Mental Health and Addiction

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