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Exempt Action: Final Regulation Agency Background Document

Agency name	Department of Behavioral Health and Developmental Services (DBHDS)
Virginia Administrative Code (VAC) Chapter citation(s)	12VAC35-105
VAC Chapter title(s)	Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services ("Licensing Regulations")
Action title	Integration of the Final Federal Rule: Registration Requirements for Narcotic Treatment Programs with Mobile Components into the Licensing Regulations
Final agency action date	
Date this document prepared	December 8, 2022

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

In June 2021, the federal Drug Enforcement Administration (DEA) published a final rule permitting DEA registrants who are authorized to dispense methadone for opioid use disorder to add a "mobile component" to their existing registrations. The Department of Behavioral Health and Developmental Services (DBHDS) is integrating these federal regulations into the Licensing Regulations due to provider interest in supplying these mobile medication assisted treatment (mobile MAT) services. The integration of the federal rules within the Licensing Regulations shall increase transparency and set administrative

expectations for this service. The availability of mobile MAT is expected to help address the [opioid crisis](#) in Virginia.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

The Drug Enforcement Administration implemented the "[Registration Requirements for Narcotic Treatment Programs with Mobile Components](#)" within 21 CFR Parts 1300, 1301 and 1304" in June 2021.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

The State Board voted on December 7, 2022, to initiate the exempt stage titled 'Integration of the final federal rule: Registration Requirements for Narcotic Treatment Programs with Mobile Components into the Licensing Regulations' to amend the Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services [12VAC35-105].