



**Office of Addiction
Services and Supports**

OASAS. Every Step of the Way.

KATHY HOCHUL
Governor

CHINAZO CUNNINGHAM, MD
Commissioner

September 12, 2024

The New York State Office of Addiction Services and Supports (OASAS) is responsible for the certification, regulation, and oversight of prevention, treatment, and recovery services for individuals with substance use disorders and problem gambling. Under 14 NYCRR Part 800.7, the Office has the authority to waive regulatory provisions when meeting a specific requirement would impose a hardship but waiving the specific requirement would not impact patient health and safety and would be in the best interests of patients.

Federal changes to 42 CFR Part 8 applicable to Opioid Treatment Programs (OTP) and opioid use disorder (OUD) treatment standards became effective April 2, 2024, with a compliance date of October 2, 2024. OASAS is aware that OTP certified pursuant to 14 NYCRR Part 822 and in compliance, or coming into compliance, with 42 CFR Part 8, as amended, may wish to waive certain additional admission requirements of Part 822, to the extent they are not required by or exceed the requirements articulated in the federal rule. To that end, waivers of Part 822.8(b)(4) and Part 822.8(e)(2) are approved and shall remain in effect until such time as Part 822 may be amended to conform to the federal rule.

Additionally, Part 822.11(b), pertaining to medication administration, and Part 822.11(c), pertaining to unsupervised or take-home medication, are waived to the extent they are inconsistent with the federal rule, as amended, at 42 CFR Part 8.12(h) and 42 CFR Part 812(i), respectively. Such waivers shall remain in effect until such time as Part 822 may be amended to conform to the federal rule.

A copy of this letter should be maintained at the program site.

Please note that this waiver does not modify or remove any other programmatic or regulatory requirements applicable to OTPs as defined in and certified under Part 822.

Sincerely,

A handwritten signature in black ink that reads "Trishia Allen".

Trishia Allen

General Counsel