



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

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DHDTTC DAL 18-13

Dear Chief Executive Officer:

The New York State Department of Health (Department) recently issued regulations that would help ensure that hospitals identify, assess and refer individuals with substance use disorders (SUD) or who appear to be at risk for such disorders.

The Department's regulations implement Public Health Law (PHL) § 2803-u, reproduced below, which was enacted as Part C of Chapter 70 of the Laws of 2016. The legislation is part of a comprehensive approach to address the prevalence of substance use disorders and in particular the opioid crisis – a serious public health issue.

Public Health Law § 2803-u requires general hospitals to develop, maintain and disseminate written policies and procedures for the identification, assessment and referral of individuals with documented SUD or who appear to have or be at risk for SUD and requires them to train their licensed and certified clinical staff members who provide direct patient care in such policies and procedures. The law also requires hospitals to inform individuals with documented SUD or who appear to have or be at risk for SUD of the availability of treatment services that may be available through a substance use disorder services program.

The regulations, which took effect July 11, 2018, are available at: https://regs.health.ny.gov/sites/default/files/pdf/recently_adopted_regulations/Hospital%20Policies%20and%20Procedures%20for%20Individuals%20with%20Substance%20Use%20Disorders.pdf. As amended, 10 NYCRR §§ 405.9, 405.19, 405.20 and 407.5 require general hospitals to:

(1) establish written policies and procedures for the identification and assessment of individuals in inpatient settings, outpatient settings, observation services and the emergency department using an evidence-based approach;

(2) inform individuals who have or appear to have SUD of treatment services that may be available, which may be done verbally and/or in writing, as appropriate;

(3) refer individuals who have or appear to have SUD to appropriate substance use disorder programs and coordinate with such programs;

(4) during discharge planning provide individuals who have or appear to have SUDs with educational materials, developed by the Office of Alcoholism and Substance Abuse Services (OASAS) in consultation with the Department, as part of discharge planning (see attached document to be distributed at discharge); and

(5) establish and maintain training, in addition to current training programs, for all staff licensed or certified under Title VIII of the Education Law who provide direct care regarding the policies and procedures.

Critical access hospitals, as defined in Part 407.5, are also subject to these requirements.

The law and the regulations define “substance use disorder or who appear to be at risk for a substance use disorder” as per Mental Hygiene Law § 1.03. You should refer to the language of that statute, but essentially SUD means the misuse of, dependence on, or addiction to alcohol and/or legal or illegal drugs leading to effects that are detrimental to the individual's physical and mental health, or the welfare of others and shall include alcoholism, alcohol abuse, substance abuse, substance dependence, chemical abuse, and/or chemical dependence. SUD services include the examination, evaluation, diagnosis, care, treatment, rehabilitation, or training of persons with SUD and their families or significant others.

The following resources are available:

- Information on the Screening, Brief Intervention and Referral to Treatment (SBIRT), an evidence-based approach that can be used to identify and assess individuals with substance use disorder, available on the OASAS website at <http://www.oasas.ny.gov/adMed/sbirt/index.cfm>;
- The OASAS Treatment Availability Dashboard, found at <https://findaddictiontreatment.ny.gov>, can be used to search for state certified outpatient or bedded programs, and includes a description of levels of care within each of the major service categories of substance use disorder treatment services at https://www.oasas.ny.gov/hps/state/CD_descriptions.cfm; and
- Information on addiction and substance use services and program is available at the New York State Combat Addiction website at <https://oasas.ny.gov/combataddiction>.

The Department appreciates your partnership as we work to combat the threat of substance use, including the prevalence of opioid-related substance use disorders, and provide comprehensive care to patients. If you have questions regarding the general requirements of the statute or the regulations as discussed above, please direct them to the Division of Hospitals and Diagnostic & Treatment Centers at 518-402-1004.

Sincerely,



Ruth Leslie
Director
Division of Hospitals and Diagnostic and
Treatment Centers

Attachment

Public Health Law § 2803-u

§ 2803-u. Hospital substance use disorder policies and procedures. 1. The office of alcoholism and substance abuse services, in consultation with the department, shall develop or utilize existing educational materials to be provided to general hospitals to disseminate to individuals with a documented substance use disorder or who appear to have or be at risk for a substance use disorder during discharge planning pursuant to section twenty-eight hundred three-i of this chapter. Such materials shall include information regarding the various types of treatment and recovery services, including but not limited to: inpatient, outpatient, and medication-assisted treatment; how to recognize the need for treatment services; information for individuals to determine what type and level of treatment is most appropriate and what resources are available to them; and any other information the commissioner deems appropriate.

2. Every general hospital shall: (a) within existing or in addition to current policies and procedures, develop, maintain and disseminate, written policies and procedures, for the identification, assessment and referral of individuals with a documented substance use disorder or who appear to have or be at risk for a substance use disorder as defined in section 1.03 of the mental hygiene law;

(b) establish and implement training, within existing or in addition to current training programs, for all individuals licensed or certified pursuant to title eight of the education law who provide direct patient care regarding the policies and procedures established pursuant to this section; and

(c) except where an individual has come into the hospital under section 22.09 of the mental hygiene law, if the hospital does not directly provide substance use disorder services, then it shall refer individuals in need of substance use disorder services to and coordinate with substance use disorder services programs that provide behavioral health services, as defined in section 1.03 of the mental hygiene law.

3. Upon commencement of treatment, admission, or discharge of an individual with a documented substance use disorder or who appears to have or be at risk for a substance use disorder, including discharge from the emergency department, such hospital shall inform the individual of the availability of the substance use disorder treatment services that may be available to them through a substance use disorder services program.

4. The commissioner, in consultation with the commissioner of the office of alcoholism and substance abuse services, shall make regulations as may be necessary and proper to carry out the provisions of this section.

If you or someone you know needs care for a substance use disorder, the information below will help you understand the disease of addiction and available services.

What is a Substance Use Disorder:

A substance use disorder (SUD) is a chronic medical condition that can impact a person's health, relationships and their ability to meet major responsibilities at work, school, or home. Loved ones are often the first to recognize changes in an individual who is struggling with a substance use disorder. It can occur gradually over time or suddenly.

1. Speak to your insurance company about your SUD treatment benefits.

Insurers regulated by New York State are required to cover certain SUD services, when medically necessary. To find a family support navigator to help with navigating your insurance benefits, or to find other regional services, visit: <https://www.oasas.ny.gov/CombatAddiction/RegionalSvc.cfm>

- 14 days of in-network medically necessary inpatient services for the treatment of SUD, including detoxification, rehabilitation and residential treatment, without prior authorization or certification.
- Coverage for outpatient diagnosis and treatment of substance use disorder, without prior authorization, including detoxification, rehabilitation and opioid treatment program services.
- Up to twenty outpatient visits per policy or calendar year to an individual who identifies themselves as a family member of a person suffering from substance use disorder and who seeks treatment as a family member that is covered under that policy.
- A 5-day supply of medication to treat a substance use disorder, without prior authorization, for an emergency condition.
- Access to naloxone when prescribed to any person covered by the policy.

2. Get assessed by a medical professional or a SUD treatment provider.

Deciding to get help for a substance use disorder is the first step on the path toward recovery. There are many approaches to treating individuals with substance use disorder. Below are some common terms you may hear as you navigate the SUD treatment system.

- **Assessment:** Evaluates your level of addiction and determines the best treatment options for you, using an OASAS approved assessment tool.
- **Detoxification:** Generally, a 3-5 day service in a hospital or residential program with a physician and nurses monitoring you as you withdraw from drugs or alcohol. Medications may be used to alleviate uncomfortable side effects of withdrawal.
- **Rehabilitation:** About 10-25 day treatment that has many types of group and individual sessions, and materials to educate the patient about the disease of addiction. Also a 1-2 day family program for loved ones about the family disease of addiction and how to support each other in the recovery process.
- **Residential Treatment:** 60 - 180 days that combines three elements: stabilization, rehabilitation, and reintegration. The length of time in this level of care depends upon an individual's needs.
- **Outpatient:** Weekly sessions that combine individual, group and family counseling; can include medication-assisted treatment and random drug testing to evaluate compliance with treatment. Outpatient clinics are typically open 6-7 days a week and have evening hours.
- **Medication Assisted Treatment:** The use of behavioral therapy and medications that manage withdrawal symptoms, decrease cravings and prevent relapse to comprehensively address substance use, medical, psychiatric, and social problems.



**Office of Alcoholism and
Substance Abuse Services**

3. Find a Program.

To look for state certified outpatient or bedded programs with openings, go to:

<https://findaddictiontreatment.ny.gov/>



Find help and hope
for alcoholism, drug abuse or problem gambling

Call or Text
1-877-8-HOPENY
Text: HOPENY (467369) 1-877-846-7369

Available 24 hours / 7 days

 Office of Alcoholism and Substance Abuse Services
www.oasas.ny.gov

4. Stay Safe.

Opioid Overdose Prevention

Naloxone is a medication that can prevent an opioid/heroin overdose from becoming fatal. If you or a loved one suffers from opioid addiction, understanding how to use naloxone and having a naloxone kit available can be a life-saving intervention during a heroin or opioid overdose. To find an opioid overdose training program near you, visit New York State's Opioid Overdose Prevention Programs Directory at:

http://www.health.ny.gov/diseases/aids/general/resources/ooop_directory/index.htm.

Not Ready for Treatment:

Even if you aren't yet ready to seek professional care for a substance use disorder, it may be helpful to talk with a peer or learn about ways to keep yourself safe. To find a Peer or other services available in your region, go to:

<https://www.oasas.ny.gov/CombatAddiction/RegionalSvc.cfm>

Harm Reduction Services: to find your nearest syringe exchange program (SEP), naloxone program, HCV testing and pharmacies for naloxone and syringes, please visit <http://www.thepointny.org/>
SEPs provide comprehensive wraparound harm reduction services for people who use drugs.

Confidentiality

Federal laws and regulations provide enhanced confidentiality protections for people who receive substance use disorder treatment. For this reason, programs and/or insurers cannot release information or respond to inquiries about a patient, without patient consent, or if another condition exists that waives the requirements of HIPAA and 42 CFR Part 2.

Resources

New York State Office of Alcoholism and Substance Abuse Services

www.oasas.ny.gov | 518-473-3460

- www.oasas.ny.gov/combataddiction
- Talk2Prevent.ny.gov

The Partnership at Drugfree.org

www.drugfree.org | 855-378-4373

Parents. The Antidrug

www.theantidrug.com | 800-662-HELP

American Council on Drug Education

www.acde.org | 800-378-4435

Families Against Drugs

www.familiesagainstdrugs.org/

Al-Anon and Alateen

www.al-anon.alateen.org | 757-563-1600

Nar-Anon

www.nar-anon.org/

Faces and Voices of Recovery

www.facesandvoicesofrecovery.org | 202-737-0690

SAMHSA's Center for Substance Abuse Treatment

www.samhsa.gov/about/csat.aspx | 240-276-1660

Substance Abuse and Mental Health Services

www.samhsa.gov | 877-SAMHSA-7

National Institute on Drug Abuse

www.nida.nih.gov/nidahome.html | 800-662-HELP

National Council on Alcohol & Drug Dependence

www.ncadd.org | 800-NCACALL

**Looking for help: OASAS Treatment Availability Dashboard:
findaddictiontreatment.ny.gov.**

