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DIVISION OF HEALTH CARE FINANCING AND POLICY	Section: 3802
MEDICAID SERVICES MANUAL	Subject: HEARINGS

3802 COVERAGE AND LIMITATIONS

Requirements for eligible providers to prescribe buprenorphine as treatment for opioid dependence:

- A. Must have a DATA 2000 waiver from the Substance Abuse and Mental Health Services Administration (SAMHSA), **exception is described in 1.below.**
- B. **Effective 04/26/21, the Office of the Secretary, Department of Health and Human Services, amended the DATA 2000 requirements to provide for an exemption allowing eligible providers, who are state licensed and registered by the DEA, to treat up to 30 patients with Opioid Use Disorder (OUD) using buprenorphine without having met certification requirements related to training, counseling and other ancillary services (i.e., psychosocial services) under 21 U.S.C. 823(g)(2)(B)(i)–(ii).**
- C. Eligible providers include the following:
 - 1. Physician, M.D., Osteopath, D.O. (PT 20)
 - 2. Advance Practice Registered Nurse (PT 24)
 - 3. Physician’s Assistant (PT 77)
 - 4. Nurse Midwife (PT 74)
- D. Patient limits:
 - 1. 30 or Fewer Patients During the first-year prescribing buprenorphine, an eligible provider, **meeting the requirements listed under A. or A.1, may** maintain a patient load of up to 30 or fewer individuals receiving MAT at any point in time. **After one year of prescribing to 30 or fewer patients, an eligible provider may apply for a waiver from SAMHSA to treat a maximum of 100 patients.**
 - 2. 100 or Fewer Patients –Allowed in the first year if the eligible provider holds additional credentialing
 - a. Nevada Board certified in addiction medicine
 - b. Nevada Board certified in addiction psychiatry
 - 3. c. Provides MAT in a qualified practice setting
 - 4. 275 or Fewer Patients – After one year of prescribing under a waiver to treat a maximum of 100 patients, an eligible provider may apply to SAMHSA for a waiver to treat up to 275 patients. Eligible providers must reapply for 275-patient waiver every three years.

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- D. Provides opioid related counseling during the visit **and** must be documented in clinical notes. **Related counseling may not be required by eligible providers prescribing to 30 or fewer patients who are performing services under Department of Health and Human Services (DHHS) amended the DATA 2000 guidelines.**
- E. According to DATA 2000, licensed physicians (MD/DO) are considered qualified to prescribe buprenorphine if at least one of the following criteria has been met:
1. Completion of not less than eight hours of authorized training on the treatment or management of opioid-dependent patients
 2. Holds an addiction psychiatry subspecialty board certification from the American Board of Medical Specialties
 3. Holds an addiction medicine certification from the American Society of Addiction Medicine (ASAM)
 4. Holds an addiction medicine subspecialty board certification from the American Osteopathic Association (AOA)
 5. Participation as an investigator in one or more clinical trials leading to the approval of a narcotic drug in Schedule III, IV, or V for maintenance or detoxification treatment
 6. Training or other such experience as determined by the physician's state medical licensing board
 7. Training or other such experience as determined by the U.S. Secretary of Health and Human Services.
 8. **Eligible providers who are state licensed and registered by the DEA to prescribe controlled substances can prescribe to 30 or fewer patients under the DHHS guidelines effective 04/26/21.**
- F. Physicians must satisfy all the following criteria:
1. Follow all policies and guidelines related to their individual provider type per MSM Chapter 600, Physician Services.
 2. Have the capacity to provide or to refer patients for necessary ancillary services, such as psychosocial therapy.

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3. Agree to treat no more than 30 patients at any one time in an individual or group practice during the first year following certification; after treating patients for one year and sending in a second notice of intent and need to Substance Abuse and Mental Health Services Administration (SAMHSA), agree to treat no more than 100 patients at any given time.
4. Every year, per [42 CFR 8.635](#), qualified practitioners approved to treat up to 275 patients must submit information about their practice to SAMHSA for purposes of monitoring regulatory compliance. The goal of the reporting requirement is to ensure that practitioners are providing buprenorphine treatment in compliance with the final rule Medication Assisted Treatment for Opioid Use Disorders ([81 FR 44711](#)).

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