

Bureau of Justice Assistance (BJA)

Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP)

DEA Expands Access to Mobile Narcotic Treatment Programs

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The U.S. Drug Enforcement Administration (DEA) announced on Monday, June 28, 2021, that it is lifting the 14-year moratorium on methadone-dispensing vans operated by narcotic treatment programs (NTPs).¹ This rule change, which took effect on July 28, 2021, will have a significant impact on the nation's 1,700 DEA-registered and future methadone service providers. DEA will no longer require providers to obtain a separate registration in order to operate a mobile component and distribute controlled substances. Removing the dual-registration requirement will make it easier to supply treatment services to rural and underserved areas.

Background on DEA Regulation of NTPs

After having previously allowed brick-and-mortar NTPs to operate methadone vans, in 2007 DEA imposed a moratorium on new mobile components. As a result of the moratorium, access to opioid use disorder (OUD) treatment in rural areas was limited. More than 90 percent of registered NTPs and their

What qualifies as a mobile NTP?

A mobile NTP must:

- ◀ Provide detoxification treatment with narcotic drugs in Schedules II–V, at locations remote from and within the same state as the registered NTP.
- ◀ Operate under the registration of the NTP.
- ◀ Be a motor vehicle (i.e., van, truck, or RV) with more than three wheels in contact with the ground.

mobile components are in urban areas.² Laura Stanley, in an article from the Regulatory Studies Center at The George Washington University, observes that people who have OUDs and live in rural areas far from fixed-site NTPs thus find it difficult to receive methadone treatment.³ Opioid-involved overdoses and deaths have accelerated⁴ since the beginning of the COVID-19 pandemic, so the need to expand OUD treatment has become more critical. Existing methadone vans have been successfully and cost-effectively increasing access to methadone and other

medications for OUD to rural and underserved areas; therefore, Ms. Stanley welcomes the expansion of these methadone-dispensing vans.⁵

What Will Happen Under This New Rule?

Under the new rule,⁶ methadone vans must meet the following requirements:

- ◀ Only NTPs that **are operating mobile components at locations in the same state as their registered locations** will be able to operate without a separate registration. Separate registrations are required for mobile components operating in states other than where the NTPs are registered. Therefore, vans can operate only in the state where the fixed-site NTP is registered. NTPs in one state cannot partner with other NTPs with registered locations in other states.
- ◀ NTPs **are required to provide state and local licensing and registration documentation** to DEA at the time of inspection and before any controlled substances are transported from their registered location.
- ◀ Methadone vans **must return to their registered locations** after completing their operations each day. There is no mileage limit. NTPs with mobile components can apply for an exception if there are challenges in meeting the requirement. When applying for an exception to this requirement, the NTP must provide a proposed alternate return period and a list of enhanced security measures and other factors worth considering. These exception applications will be evaluated individually.
- ◀ Controlled substances **must be removed, stored, and secured** inside the registered location each day to lower the risk of diversion. People enrolled in an NTP or mobile NTP must always wait in areas that are separate from the narcotic storage and dispensing area, and the separation must be

physical—a door or entryway. Other than at the end of the day, methadone must always remain in the mobile unit because its potency and possibility for diversion (i.e., misuse, theft) can impose a significant risk to individuals and communities.

Other considerations under this rule are as follows:

- ◀ Local DEA personnel, NTPs, and other relevant officials **will have the freedom to determine the most appropriate safety measures** to ensure the safety of the mobile components. DEA will conduct case-by-case evaluations of the security systems used on the mobile components to see whether the systems meet DEA requirements before approving the operation of the units. DEA will not mandate that security personnel be used to secure the methadone vans. Local DEA personnel, NTPs, and other relevant officials should determine the most appropriate safety measures to ensure the safety of the mobile components.
- ◀ Methadone vans **must maintain recordkeeping** via paper or electronic dispensing logs.
- ◀ Mobile components **may not operate as emergency medical services (EMS) vehicles or hospitals**, as they will not have the necessary equipment for such functions.
- ◀ Mobile components **may operate at correctional facilities** unless otherwise forbidden from doing so by federal, state, local, and tribal laws.
- ◀ Mobile components **will not include mobile internet health-based applications.**

How Will This New Rule Affect COSSAP Grantees?

On the basis of this information, researchers at RTI believe that grantees that are, or are affiliated with, site-based NTPs can seek to initiate or expand mobile components without obtaining a separate license. This effort will help more treatment providers meet the

needs of rural and underserved populations and help reduce disparities in opioid-related overdoses and fatalities.

Endnotes

1. Registration Requirements for Narcotic Treatment Programs With Mobile Components, 86 F.R. 33861 (final June 28, 2021) (to be codified at 21 C.F.R. §1300, 1301, and 1304). <https://www.federalregister.gov/documents/2021/06/28/2021-13519/registration-requirements-for-narcotic-treatment-programs-with-mobile-components>
2. Ibid.
3. Stanley, L. E. (2020, April 29). *DEA proposes to lift ban on mobile methadone vans*. Regulatory Studies Center, Columbian College of Arts and Sciences, The George Washington University. <https://regulatorystudies.columbian.gwu.edu/dea-proposes-lift-ban-mobile-methadone-vans>
4. Centers for Disease Control and Prevention. (2020, December 18). Overdose deaths accelerating during COVID19: Expanded prevention efforts needed. <https://www.cdc.gov/media/releases/2020/p1218-overdose-deaths-covid-19.html>
5. Stanley, L. E. (2020, April 29). *DEA proposes to lift ban on mobile methadone vans*. Regulatory Studies Center, Columbian College of Arts and Sciences, The George Washington University. <https://regulatorystudies.columbian.gwu.edu/dea-proposes-lift-ban-mobile-methadone-vans>
6. Registration Requirements for Narcotic Treatment Programs With Mobile Components, 86 F.R. 33861 (final June 28, 2021) (to be codified at 21 C.F.R. §1300, 1301, and 1304). <https://www.federalregister.gov/documents/2021/06/28/2021-13519/registration-requirements-for-narcotic-treatment-programs-with-mobile-components>

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