



New Licensing Rules for SUD

Noah Smith

Partner

Capitol Services, Inc.

New SUD Licensing Rules

- **Legislation vs. Administrative Rules**
- **Brief Summary/History**
- **Potential Concerns from the Field**
- **What Can You Do?**
- **Be Aware (Walk a mile in their shoes):
What is a state regulator's job?**
- **Effective Advocacy**
- **Also: potential *new* proposed rules on
SUD prevention services – scope and
timeline**

Legislation vs Administrative Rules

- Statutes take precedence over rules
- Rules carry weight of law
- Conflict between rules and statute
- Legislation can require rules
- Rule-making process, includes legislature
- Legislative pressure

Brief Summary/History

- Reason:
 - Eliminate duplicative requirements in the existing rule sets, and create a single, unified rule set for Substance Abuse Licensing;
 - Update rules to reflect changes made in law (PA 500 of 2012 and PA 104 of 2015);
 - Clarify staffing credentials and requirements;
 - Modernize rules to meet current industry terms and standards;
 - Reorganize rules to distinguish between agency and program responsibilities.

Brief Summary/History

- Process:
 - October 2018 Public Input
 - November 2018 changes
 - Added LPN
 - Added LMSW
 - December 2018, approved, effective

Potential Concerns from the Field

- Licensing ratio/development plan
- Programs argue they don't have the margins to employ individuals who can't count towards a licensing ratio/elimination of services
- On-site staffing required for detox

What Can You Do

- Document!
 - Changes your workplace is already making
 - Anticipated impact
 - Impact on existing workforce
 - Impact on access to services/patient impact
- Share!
 - Your organization
 - Your association
 - Coalition

What Can You Do

- Educate!
 - Patients
 - Lawmakers
- Prepare!
 - New rulemaking process
 - Public input

Be Aware...

- State Regulator's Job
 - Protect Public
 - Effective use of taxpayer dollars
- Why regulations?
 - Objective standards
 - Relatively easy to understand and comply
 - Applied fairly, consistently,
 - Rules must not be overly burdensome or costly *to regulated entity*
 - Balance all of this with the need to protect the public and be good stewards of scarce resources

Effective Advocacy

- Changes in law or changes in administrative rules (regulations):
 - Be respectful, use the phrase “unintended consequences”
 - Provide concrete examples; hypotheticals are not taken as seriously
 - Be constructive: what is not working, what would work better?

Potential New rules

- Details forthcoming:
 - Scope
 - Status
 - Time