



State of New Jersey  
DEPARTMENT OF HEALTH  
PO BOX 360  
TRENTON, N.J. 08625-0360  
[www.nj.gov/health](http://www.nj.gov/health)

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

JUDITH M. PERSICHILLI, RN, BSN, MA  
*Commissioner*

**CERTIFICATE OF WAIVER  
MEDICAL DIRECTOR QUALIFICATIONS FOR SUBSTANCE USE DISORDER FACILITIES**

Based on an analysis of medical director qualifications for substance use disorder facilities throughout the United States and in anticipation of amended regulations, the Department of Health (DOH) is issuing a waiver of regulations to permit medical directors for substance use disorder facilities and their designee to meet qualifications through experience as an alternative to ASAM certification as currently required.

This waiver is issued to:

**All substance use disorder facilities licensed pursuant to N.J.A.C. 10:161B**

Granting relief from the provisions of Chapter 10:161B of the New Jersey Administrative Code:

**N.J.A.C. 10:161B-1.4 Qualifications and responsibilities of the medical director  
N.J.A.C. 10:161B-7.2 Designation of medical director  
N.J.A.C. 10:161B-11.2 Staffing**

This waiver grants relief from the provisions of N.J.A.C. 10:161B-1.4, N.J.A.C. 10:161B-7.2, and N.J.A.C. 10:161B-11.2 which outline the required qualifications for the medical director for substance use disorder facilities.

This waiver is subject to the following conditions:

**Applies to all licensed substance use disorder facilities that are required to have a medical director (facilities licensed to provide Opioid Treatment Program services pursuant to N.J.A.C. 10:161B-11 et seq and facilities licensed to provide detoxification services pursuant to N.J.A.C. 10:161B-12 et seq.), provided they:**


- 1) Have a medical director and medical director designee who is a physician currently licensed to practice in the State of New Jersey who:
  - a. Is certified by the American Society of Addiction Medicine (ASAM), the American Board of Preventive Medicine in addiction medicine, the American Board of Psychiatry and Neurology in addiction psychiatry, the American Osteopathic Association in addiction medicine; or****

**b. Has one year of experience in addiction treatment.**

Pursuant to N.J.A.C. 10:161B-3.9(d), the facility must notify DOH of the resignation or termination of the medical director along with the name and qualification of the replacement.

The medical director for facilities licensed pursuant to N.J.A.C. 10:161B-12 et seq. must continue to adhere to N.J.A.C. 10:161B-12.2(a)1.

This waiver remains valid until the expiration date listed below, unless sooner suspended or revoked by the Department.

  
By: Judith M. Persichilli, RN, BSN, MA  
Commissioner  
Department of Health

DATE ISSUED: March 10, 2020

WAIVER CONTROL NUMBER: 2020-001

EXPIRES: Upon adoption of revised regulations (N.J.A.C. 10:161B) or new regulations (N.J.A.C. 8)



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Frequently Asked Questions  
Certificate of Waiver-Medical Director Qualifications for Substance Use Disorder Facilities  
Licensed pursuant to N.J.A.C. 10:161B

**What does the Certificate of Waiver-Medical Director mean for Opioid Treatment Programs licensed pursuant to N.J.A.C. 10:161B-11?**

Prior to the waiver, facilities providing Opioid Treatment Program services were required to have a medical director and medical director designee that met the following requirements:

1. A physician who is currently licensed in accordance with the laws of New Jersey who:
  - a. Is certified by the American Society of Addiction Medicine (ASAM), or its successor certification board, by June 1, 2012; or
  - b. Worked in a substance use disorder treatment facility a minimum of five years for at least 20 hours per week and have completed the ASAM/American Association for the Treatment of Opioid Dependence (AATOD) clinicians training course, <http://www.aatod.org/resources/additional-education-on-opioid-dependence/providersclinical-support-system-for-medication-assisted-treatment/>.

DOH is waiving regulatory requirements for facilities licensed pursuant to N.J.A.C. 10:161B to have a medical director and medical director designee to have specialized certification. Facilities may now have a medical director who has specialized certification or has one year of experience in addiction treatment.

**What does the Certificate of Waiver-Medical Director mean for facilities providing detoxification (ambulatory withdrawal management) services licensed pursuant to N.J.A.C. 10:161B-12?**

Prior to the waiver, facilities providing ambulatory withdrawal management services were required to have a medical director and medical director designee that met the following requirements:

1. A physician who is currently licensed in accordance with the laws of New Jersey who:

- a. Is certified by the American Society of Addiction Medicine (ASAM), or its successor certification board, by June 1, 2012; or worked in a substance use disorder treatment facility a minimum of five years for at least 20 hours per week and have completed the ASAM/American Association for the Treatment of Opioid Dependence (AATOD) clinicians training course, <http://www.aatod.org/resources/additional-education-on-opioid-dependence/providersclinical-support-system-for-medication-assisted-treatment/>; and
- b. Can demonstrate at least two years of direct experience in the provision of detoxification services.

DOH is waiving regulatory requirements for facilities licensed pursuant to N.J.A.C. 10:161B to have a medical director and medical director designee to have specialized certification. Facilities providing ambulatory withdrawal management services must continue to have a medical director with two years of direct experience in the provision of detoxification services, but the medical director does not need specialized certification.

**When does the waiver take effect?**

The waiver is effective immediately.

**Do medical directors for detoxification services still need to have two years of direct experience in detoxification?**

Yes. Facilities licensed pursuant to N.J.A.C. 10:161B-12 to provide ambulatory withdrawal management services must still comply with N.J.A.C. 10:161B-12.2(a)1 which requires that the medical director have two years of direct experience in the provision of detoxification services.

**Does the medical director designee for my facility need specialized certification?**

No. The medical director designee must be a physician who is currently licensed to practice in the State of New Jersey with one year of experience in addiction treatment.

**Do facilities providing other types of substance use disorder services need a medical director?**

Facilities are required to have a medical director in the following circumstances:

- The facility is licensed as an Opioid Treatment Program under N.J.A.C. 10:161B-11; and/or
- The facility is licensed to provide ambulatory withdrawal management services under N.J.A.C. 10:161B-12.

Facilities prescribing and/or administering medication, other than Methadone, for the treatment of substance use disorder that are not providing ambulatory withdrawal management services do not need a medical director. However, the prescribers for these

facilities must be licensed in the State of New Jersey and adhere to all DEA and CDC requirements for the provision of particular medications.

**What steps do I need to take to provide services pursuant to the waiver?**

Facilities must report the resignation or termination of the medical director along with the name and qualifications of the replacement.

**Does the waiver expire?**

The waiver remains valid until new or revised regulations are adopted or they are suspended or revoked by DOH.

3/10/2020