



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1146

S.P. 473

In Senate, March 13, 2023

**An Act to Authorize Certain Health Care Professionals to Prescribe
Methadone**

Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representative: BOYER of Poland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §20056** is enacted to read:

3 **§20056. Prescribing of methadone for substance use disorder treatment**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Controlled substance" means a controlled substance included in schedule II, III or
7 IV of 21 United States Code, Section 812 or in 21 Code of Federal Regulations, Section
8 1308.

9 B. "Prescriber" means a health care professional licensed under Title 32, chapter 36 or
10 48 with authority to prescribe controlled substances in this State.

11 **2. Authority to prescribe.** A prescriber may prescribe methadone to a person with
12 substance use disorder for unsupervised use as long as the following requirements are met:

13 A. The prescriber determines that the person with substance use disorder is sufficiently
14 responsible in handling methadone for unsupervised use, as established in subsection
15 3;

16 B. The number of days of methadone prescribed to the person with substance use
17 disorder for unsupervised use does not exceed the guidelines established in subsection
18 4; and

19 C. The person with substance use disorder is participating in clinically appropriate
20 counseling activities provided by a licensed behavioral health organization or
21 community service provider that is the equivalent to the counseling required for those
22 receiving substance use disorder treatment at a certified opioid treatment program.

23 **3. Sufficiently responsible for unsupervised use.** A prescriber shall determine if a
24 person with substance use disorder is sufficiently responsible for unsupervised use before
25 prescribing methadone. The prescriber must consider the following:

26 A. Regularity of counseling attendance;

27 B. Absence of serious behavioral problems at the prescriber's practice;

28 C. Absence of known recent criminal activity;

29 D. Stability of the home environment and social relationships;

30 E. Length of time in substance use disorder treatment;

31 F. Assurance that methadone medication can be safely stored within the home of the
32 person with substance use disorder; and

33 G. Whether the benefit of the person with substance use disorder derived from
34 decreasing the frequency of methadone clinic attendance or presence at the prescriber's
35 practice outweighs the potential risks of diversion.

36 **4. Number of days of methadone authorized for prescription.** If a person with
37 substance use disorder is determined by a prescriber to be sufficiently responsible for
38 unsupervised use, the following limits apply to the supply of methadone.

1 A. During the first 45 days of treatment, the supply is limited to a single dose each
2 week and the person with substance use disorder shall ingest all other doses under
3 supervision of the prescriber or at a licensed methadone clinic.

4 B. In the 2nd 45 days of treatment, the supply is 2 doses per week and the person with
5 substance use disorder shall ingest all other doses under supervision of the prescriber
6 or at a licensed methadone clinic.

7 C. In the 3rd 45 days of treatment, the supply is 3 doses per week and the person with
8 substance use disorder shall ingest all other doses under supervision of the prescriber
9 or at a licensed methadone clinic.

10 D. In the remaining days of the first 6 months of treatment, a person with substance
11 use disorder may be given a maximum 6-day supply of medication and shall ingest the
12 dose for the 7th day under supervision of the prescriber or at a licensed methadone
13 clinic.

14 E. After 6 months of continuous treatment, a person with substance use disorder may
15 be given a maximum of a 2-week supply of medication.

16 F. After one year of continuous treatment, a person with substance use disorder may
17 be given a maximum one-month supply of medication, but must make monthly visits
18 to the prescriber.

19 Nothing in this subsection limits a prescriber to a specific dosage level of methadone.

20 **5. Proper packaging and storage.** The prescriber must ensure that methadone is
21 appropriately stored and packaged as required by 42 Code of Federal Regulations, Section
22 8.12(i)(5).

23 **6. Rules.** The department is authorized to adopt or amend rules to implement this
24 section. Licensing boards of prescribers are authorized to adopt or amend rules to
25 implement this section. Rules adopted pursuant to this subsection are routine technical
26 rules as defined in chapter 375, subchapter 2-A.

27 **SUMMARY**

28 This bill allows a health care professional licensed under the Board of Osteopathic
29 Licensure or the Board of Licensure in Medicine with authority to prescribe controlled
30 substances to prescribe methadone to a person with substance use disorder. It requires the
31 person receiving treatment to participate in appropriate counseling activities that are
32 equivalent to those required of individuals receiving methadone treatment at a methadone
33 clinic. It requires prescribers to establish that the person with substance use disorder
34 receiving methadone prescriptions are considered sufficiently responsible for unsupervised
35 use and the days the prescription is for. These requirements are based on 42 Code of
36 Federal Regulations, Section 8.12 and the changes proposed to those requirements in S.
37 3629 introduced to the United States Congress in 2022.