



Opioid Treatment Program (OTP) Public Notice and Licensure Frequently Asked Questions (FAQ)

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Why are public hearings no longer required as part of the OTP licensure process?

Senate bill 5536 passed by the legislature removed the public hearing requirement and determined that OTPs are considered an essential public facility. The bill revised RCW 71.24.590 to require the department to provide public notice to the local media in the community where the OTP proposes to locate that states the applicant is proposing a facility in that community.

What is the purpose of a public notice?

The public notice is a step in the licensing process and must be provided before the department issues an OTP license. The purpose of the public notice is to inform the community where the program proposes to be located.

What is the benefit of a public notice?

Notifying the public that a clinic is proposing to open in their community will help inform people who are seeking treatment for opioid use disorder and inform community members of the location of the proposed OTP.

What is the process for providing public notice?

The process for providing a public notice includes:

- Notifying the local media outlets, where the program will be located, that an applicant is proposing an opioid treatment program in that community. This is done by:
 - Placing the public notice in the legal section of the local paper after the Department has received an application.
 - Sending the public notice to media outlets in the region where the OTP proposes to locate via GovDelivery notification.
- Posting the public notice and the proposed program's community relations plan to the DOH website.
- Note: OTPs licensed under a tribal BHA attestation are not required to submit a CRP to DOH with their attestation and license application, therefore, one will not be posted to the DOH website. DOH does not assert regulatory jurisdiction over a BHA license issued under a tribal attestation. Interested parties can contact the OTP directly for information about community outreach.

Will the Department collect public comment?

The Department is not required to collect public comment as part of the public notice requirement outlined in RCW 71.24.590.

Who determines and approves the location of an OTP?

The location is selected by the proposed OTP and siting approval is the responsibility of the County and/or City, or tribal authority. The proposed OTP must submit to the department, documentation that they communicated with the county legislative authority and if applicable, the city legislative authority or tribal authority, in order to secure a location for the new program that meets county, tribal or city land use ordinances.

The department does not determine, approve, choose or otherwise suggest the location of proposed OTPs. However, the department does consider the size of the population in need of treatment in the area in which the program would be located and license or certify only applicants whose programs meet the necessary treatment needs of that population, however, the ongoing opioid crisis highlights the need for access to treatment in all areas across the state.

Does the Department of Health own, operate or provide funding to OTPs?

No. The department does not own, operate, or provide funding to OTP clinics.

What is the licensing and certification process for OTPs?

The licensing process is directed by RCW 71.24.590 and WAC 246-341-1005.

The licensing steps for a proposed OTP include:

- Submitting a behavioral health agency (BHA) licensing application, community relations plan, and a fee.
- Submitting policies and procedures demonstrating compliance with the BHA Licensing and Certification Requirements.
- Obtaining a drug other controlled substance registration from the Pharmacy Quality Assurance Commission.

The following steps are related to federal approval to certify the proposed program:

- Obtaining accreditation from a federally approved accreditation body.
- Obtaining approval from the Substance Abuse and Mental Health Administration (SAMHSA).

The Department must:

- Consult with the county and city legislative authorities where the application proposes to be located to ensure that program is sited in accordance with the appropriate county or city land use ordinances.
- Provide public notice to the local media where the program proposes to locate.

Once all licensing requirements are met by the proposed OTP the department will make a licensing decision.

How many OTPs are in Washington and where?

See the WA State Health Care Authority [Opioid Treatment Program Guide for 2023](#). This document lists licensed programs by county. There are currently 36 programs in Washington State.

What are the public transportation requirements for OTPs?

The department considers the transportation systems that would provide service to the program and whether the systems will provide reasonable opportunities to access the program for persons in need of treatment.

How are licensed OTPs regulated?

Licensed OTPs are regulated by:

- The Washington State Department of Health. The department licenses OTPs and conducts routine inspections to review compliance with the Behavioral Health Agency Licensing and Certification Regulations and look for indications of deficiencies that pose patient safety risks.

- Pharmacy Quality Assurance Commission. Conducts routine inspections to ensure compliance with pharmacy regulations.

OTPs also have routine oversight by federal agencies:

- Federally approved accreditation organization (AO). The AO provides oversight to ensure that OTPs are compliant with federal regulations (42 Code of Federal Regulations Part 8).
- Drug Enforcement Agency. For more information about DEA oversight, please contact the local DEA.

OTPs are also required to follow local rules and ordinances, as applicable to the location.

Who is responsible for community engagement where an OTP proposes to be located?

Proposed Program Responsibility:

The proposed OTP is responsible for outreach to the community and city officials about the program and its location. This information is required to be documented on the community relations plan. This plan should be routinely updated to identify the ongoing outreach in order to inform and educate the community about the program and document community concerns and how the agency plans to mitigate those concerns.

DOH Responsibility:

As part of the licensing process, the law requires the department to provide public notice to local media in the community where the opioid treatment program is proposed to be located.

The department is also responsible for consulting with the local legislative authorities to confirm that the proposed OTP has communicated with the local legislative authorities to secure a location for the program and has also consulted with them on the development of the proposed OTP's community relations plan. Consultation is done via letter and email to both the city and county councils to inquire if the proposed program consulted with the council and received local siting approval. The department provides a consultation form with specific questions related to the proposed program in order to help the department determine if the proper steps have been taken by the agency prior to issuing a license. Additional time may be requested by the city/county to provide responses.

Consultation questions include:

1. Please comment on support or lack of support by city or county legislative authorities for proposed OTP services.
2. Has the proposed OTP communicated with you in order to secure a location that meets city or county land use ordinances?
3. Is the location of this OTP sited in accordance with appropriate city or county land use ordinances?
4. Has the proposed OTP consulted with you when developing their community relations plan in order to minimize the impact of the program on the businesses and residential neighborhoods in which the program will be located?
5. Please comment on any outcomes related to the communication and consultation that has occurred between you and the proposed OTP.

What is required in a Community Relations Plan?

Per [WAC 246-341-1005](#), the proposed agency must ensure that a [community relations plan](#) (CRP) is developed in consultation with the county, city, or tribal authority or their designee, in order to minimize the impact of the OTP upon the businesses and residential neighborhoods in which the program is located. The CRP must include documentation of strategies used to:

- Obtain stakeholder input regarding the proposed location;
- Address any concerns identified by stakeholders; and
- Develop an ongoing community relations plan to address new concerns expressed by stakeholders.

What is an opioid treatment program?

Opioid treatment programs (OTP) are medical clinics that provide medications for the treatment of opioid use disorder (OUD) that are approved by the U.S. Food and Drug Administration in combination with counseling, behavioral therapies, and other medical services.

Why are opioid treatment programs needed?

To save lives! Washington State, like the rest of the nation, is experiencing an ongoing opioid use and opioid overdose epidemic. The goal is recovery, including the ability to live a self-directed life. For more information, [visit the federal Substance Abuse and Mental Health Administration website](#).