

PROPOSED ORDINANCE FOR THE REGULATION OF LICENSING OF METHADONE CLINICS IN RUSSELL COUNTY, VIRGINIA

WHEREAS, the Board of Supervisors of Russell County, Virginia, after a public hearing duly advertised have determined that it is in the best interest of the citizens of Russell County, Virginia that the Board of Supervisors regulate the licensing of methadone clinics by the proposed ordinance; and

BE IT ORDAINED by the Board of Supervisors of Russell County, Virginia, as follows:

Section 1. Purpose and Title.

- 1.1 Purpose. The Russell County Board of Supervisors has determined that it shall regulate the licensing of methadone clinics in Russell County, Virginia. The purpose of this ordinance is to provide the citizens of Russell County, Virginia, proper, adequate and necessary medical care.
- 1.2 Title. This ordinance is identified and may be cited as the "LICENSING REGULATIONS FOR METHADONE CLINICS".

Section 2. Approved License by the Department of Mental Health, Mental Retardation and Substance and Alcohol Abuse

- 2.1 It is required that the methadone clinic requesting a license to practice business in the County of Russell to first apply by application to the Virginia Department of Mental Health, Mental Retardation and Substance and Drug Abuse. By Section 37.2-406, the Virginia Department of Mental Health, Mental Retardation and Substance and Drug Abuse shall notify the Russell County Board of Supervisors of said application. By Section 37.2-406, the Russell County Board of Supervisors shall, within 30 days of receipt of said notice, shall submit to the Commissioner of the Virginia Department of Mental Health, Mental Retardation and Substance and Drug Abuse our comments and a copy of the ordinances concerning the regulation of licensing of methadone clinics in Russell County, Virginia. No license shall be issued by the Russell County until the conditions contained herein and those required by Section 37.2-406 and the regulations of the Virginia Department of Mental Health, Mental Retardation and Substance and Drug Abuse shall have been met.

Section 3: Documentation of Need

3.1 In addition to the application and approval to the application by the Virginia Department of Mental Health, Mental Retardation and Substance and Drug Abuse, an application to practice business in Russell County, Virginia will be required. This application must be submitted to the Russell County Board of Supervisors within five (5) days after approval of the Commissioner of The Virginia Department of Mental Health, Mental Retardation and Substance and Drug Abuse and shall contain the following:

- A. Applicants requesting an initial license to provide services for the treatment of opioid addiction through the use of methadone or any other controlled substance shall supply information to demonstrate the need for, and appropriateness of, the proposed service.
- B. Applicants shall demonstrate that the geographic and demographic parameters of the service area for the proposed service are reasonable, and the proposed service is expected to obtain sufficient patients to justify the service. The applicant shall also define the service area and it shall not exceed 100 miles from the proposed location of the service. The applicant shall also identify the number of individuals it seeks to be licensed to serve.
- C. Applicants shall demonstrate that there are no other facilities located in the service area set forth in B above that provide the same or similar service.
- D. Applicants shall demonstrate that there are persons residing in the proposed service area who have an opioid addiction and would benefit from the proposed service. The following information may be used by the applicant to document that individuals in the service area are known or could reasonably be expected to be in need of the proposed service:
 - 1. Numbers of persons on waiting lists for admission to any existing opioid addiction or other public substance abuse treatment program in the service area for the most recent 12-month period;
 - 2. Numbers of opioid use disorder cases (e.g. overdoses) originating from the proposed service area that have been treated in hospital emergency rooms for the most recent available 12-month period;
 - 3. Projections of the number of persons in the service area who are likely to seek services for opioid addiction based on drug-use forecasting data, citing the source of the data;
 - 4. Data reported on suicidal and accidental deaths related to opioid use in the

proposed service area for the most recent available 12-month period, citing the source of the data.

5. Data from law enforcement officials for the County of Russell regarding arrests in the proposed service area related to illicit opioid activities, citing the source of the data;
6. Data on communicable diseases for the proposed service area related to injection drug abuse (e.g. HIV, AIDS, T.B. and Hepatitis B and C).
7. Data on the availability of any evidence-based alternative services or services that have been proven effective in the treatment of opioid addiction, and that are accessible to persons with the proposed service area, including services provided by the physicians' offices;
8. Data provided from local law enforcement officials (including law enforcement officials for the counties of Tazewell, Washington, Buchanan, Dickenson, Russell and Wise) regarding arrests for the illegal sale of methadone obtained by patients through a licensed methadone clinic; and
9. Data proving the use of methadone as a medical treatment provides the patients with the tools needed to end their drug dependence; and
10. Letters from citizens, governmental officials, or health care providers which indicate there are conditions or problems associated with substance abuse in the community, that demonstrate a need for the applicant's proposed opioid treatment services in the service area.

E. The Board of Supervisors shall determine whether a need exists for the proposed service based on the documentation provided in accordance with Paragraph D, and the consideration of the following factors:

1. Whether there are a sufficient number of persons in the proposed service area who are likely to need the specific opioid treatment service that the applicant proposes to provide;
2. Whether the data indicate that evidence-based service capacity in the proposed service area is responsive to or sufficient enough to meet the needs of persons with opioid addiction;
3. Whether there is documentation of support to confirm the need for the proposed service in the identified service area.

Section 4: Site Suitability

- 4.1 The proposed site of the service shall comply with Virginia Code 37.2-406 and shall not be located within one-half mile of a public or private licensed day care center or a public or private K-12 school.
- A. In addition, it is required that the building or space to be used by the proposed service shall be located within 1,000 feet of a medical facility providing emergency medical treatment and care for patients of the Methadone Clinic.
 - B. It is required that the building or space to be used by the proposed service is suitable for the treatment of opioid addiction by submitting documentation of the following:
 - 1. Compliance with the requirements of the local building codes;
 - 2. Compliance with all required business licenses;
 - 3. That the building is suitable for and compatible with use as offices and the delivery of health care services;
 - 4. Existence of sufficient off-street parking to accommodate the projected caseload of the service without disrupting traffic flow or adversely impacting neighborhood residences or businesses;
 - 5. Existence of accommodations necessary to protect individuals during period of inclement weather;
 - 6. Compliance with the Virginia Statewide Fire Prevention Code; and
 - 7. A written plan to ensure security for storage of methadone at the site, which complies with regulations of the Drug Enforcement Agency (DEA), and the Virginia Board of Pharmacy.
 - B. The Russell County Board of Supervisors will make their decision based on the documentation provided by the applicant if the proposed facilities are suitable.

Section 5: Availability of Staff and Related Staffing Requirements

- 5.1 Applicants for licensing to provide the treatment of opioid addiction through the practice of methadone distribution in Russell County, Virginia, shall also submit information to demonstrate the number of qualified personnel available to meet the needs of individuals

that the applicant proposes to serve. Also, the Russell County Board of Supervisors requires that the personnel meet certain criteria, as follows:

1. A program director with relevant training and proven experience in the treatment of persons with opioid addiction;
2. A medical director who is a board certified addictionologist or has successfully completed or will complete within one year, a course of study in opiate addiction that is approved by the Department of Mental Health, Mental Retardation and Substance and Alcohol Abuse.
3. A minimum of one pharmacist must be on duty at all times the proposed clinic is open for business.
4. Licensed Registered or Licensed Practical Nurses.
5. Counselors who are licensed, licensed eligible or certified by the applicable Virginia health regulatory board or by a nationally recognized certification board, or eligible for this license or certification; and
6. Personnel to provide support services.

Section 6: Additional Service Requirements

6.1. The applicant shall also submit a description for the proposed service that includes:

1. Proposed mission, philosophy, and goals of the provider.
2. Care, treatment and services to be provided.
3. Proposed hours and days of operation;
4. Plans for on-site security; and
5. A diversion control plan for dispensed medications;
6. In addition to the requirements of 12 VAC 35-105-580.C(2), applicants shall provide documentation of their capability to provide the following services and supports, directly or by arrangement with other specified providers, which such services and supports are (a) requested by an individual being served; or (b) identified as an individual need, based on the assessment conducted in accordance with 12 VAC 35-105-60.B and included in the individualized services plan.

- a. Psychological services;
 - b. Social services;
 - c. Vocational services;
 - d. Educational services; and
 - e. Employment services.
7. A plan showing how each individual served shall be assessed by the medical director to determine if that individual is appropriate for safe and voluntary medically supervised withdrawal or continued federally approved pharmacotherapy treatment for opioid addiction and what conditions the medical director is using to assess the individual for continued treatment.
8. The applicant must also provide the Board of Supervisors with a plan on how the provider shall provide or arrange for the provision of continuing supportive services for individuals who voluntarily withdraw from opioid treatment.
9. The applicant shall also provide a written plan to the Board of Supervisors on the applicant's liaison and their plans to have a developing and maintaining cooperative relationships with community organizations, other service providers, local law enforcement, local government officials, and the community at large.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE.