

Lawson, Kathy M


From: Raymona Kinneberg <raymona@bjcinc.com>
Sent: Friday, July 22, 2016 8:20 AM
To: Lawson, Kathy M
Cc: Pagliaro, Melanie A
Subject: RE: Medication-Assisted Treatment Rules
Attachments: MAT Rule D9-JYW-07 2016 SOS filed office Acadia comments.docx; MAT Rule D9-JYW-07 2016 SOS filed OTP Acadia comments.docx

Kathy –

As discussed, attached are substantive comments from Acadia Healthcare on both MAT proposed regulations. Can we set a time to discuss next week?

I appreciated the call yesterday.

Raymona

<p>Raymona Kinneberg <i>Vice President</i> Bill J Crouch & Associates, Inc. 210 MacCorkle Ave SE Charleston, WV 25314</p> <p>office: (304) 343-3091 fax: (304) 343-3083</p>	
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From: Lawson, Kathy M [mailto:Kathy.M.Lawson@wv.gov]
Sent: Friday, July 08, 2016 4:39 PM
To: Bob Musick <bmusick@psimedinc.com>; Brian Mosley <brianmosleymalpc@gmail.com>; C. Sullivan <csullivan@hsc.wvu.edu>; Chris Marr <chrismarr@suddenlink.net>; Frank Hartman <frank@hartmanmullins.com>; Garcia, Joseph D <Joseph.D.Garcia@wv.gov>; Jerome D. Massenburg, M.D. <sandstorm.kay2000@gmail.com>; Jerome Massenburg, MD <jamassenburg@gmail.com>; Marc Spelar <MSpelarMD@hotmail.com>; Marcie Reed <marciereed10@aol.com>; Megan Roskovensky <mroskovensky@wvreal.com>; P. Bradley Hall, M.D. <bhallmd@wvmp.org>; Paul Cowsar <pcowsar@comcast.net>; Philip Reale <preale@wvreal.com>; Ralph Smith <rss@ralphsmithmd.com>; Raymona Kinneberg <raymona@bjcinc.com>; Rosemary L. Smith <rsmithpsyd@suddenlinkmail.com>; Scott Cosco <scott@hartmanmullins.com>; Stacey Shy <OVPCeo@gmail.com>; Susan Baek <susan@wvsm.org>; Terry Rusin <trusin@psimedinc.com>; Tom Susman <tomsusman@tsgsolution.com>; Beane, Cynthia E (BMS) <Cynthia.E.Beane@wv.gov>; Becker, James B <James.B.Becker@wv.gov>; Clifton, Harold D <Harold.D.Clifton@wv.gov>; Cooper, James A <James.A.Cooper@wv.gov>; Cunningham, Vicki M <Vicki.M.Cunningham@wv.gov>; Hicks, William B <William.B.Hicks@wv.gov>; Jones, Victoria L <Victoria.L.Jones@wv.gov>; Lawson, Kathy M <Kathy.M.Lawson@wv.gov>; Lee, Sheila R <Sheila.R.Lee@wv.gov>; Marra, Jolynn <Jolynn.Marra@wv.gov>; Pagliaro, Melanie A <Melanie.A.Pagliaro@wv.gov>; Parsons, Cynthia A <Cynthia.A.Parsons@wv.gov>; Robertson, April L <April.L.Robertson@wv.gov>; Rutherford, Jennifer A <Jennifer.A.Rutherford@wv.gov>; Samples, Jeremiah <Jeremiah.Samples@wv.gov>; Sullivan, Nancy J <Nancy.J.Sullivan@wv.gov>; Villanueva-Matkovich, Karen C <Karen.C.Villanueva-Matkovich@wv.gov>; Walsh, Kimberly A <Kimberly.A.Walsh@wv.gov>; Whitmore, Jessica Y <Jessica.Y.Whitmore@wv.gov>

Cc: Bowling, Karen L <Karen.L.Bowling@wv.gov>
Subject: Medication-Assisted Treatment Rules

Good afternoon.

I am sending this notice to make everyone aware that the MAT rules were filed today for public comment. The comment period will extend through **Sunday, August 7th at 4pm.**

Please find below the links to the rules. We have filed two separate rules, one for opioid treatment programs and a second for office-based treatment.

If you have any questions, please let me know.

[69 SCR 11 Opioid Treatment Programs](#)

[69 CSR 12 Office-Based Medication-Assisted Treatment](#)

Thank you.

Kathy Lawson

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Comments from Acadia

TITLE 69
LEGISLATIVE RULE
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 11
MEDICATION-ASSISTED TREATMENT - OPIOID TREATMENT PROGRAMS

6.1.e. Each licensed opioid treatment program shall designate a medical director unique to that program. The medical director shall practice at the program and be responsible for the operation of the program in accordance with the requirements of this rule. An opioid treatment program may have two co-medical directors.

8.4.e. A medical director shall practice 90 percent of the hours in which the opioid treatment program is operating each week in order to ensure regulatory compliance and carry out those duties specifically assigned to the medical director. An opioid treatment program may designate two co-medical directors.

8.4.f. Within 10 days after the withdrawal or termination of the medical director, the owner or owners of the program shall notify the secretary of the identity of another medical director for the program. During the interim, not to exceed 60 days, another licensed physician shall be present during

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all hours of operation and shall assume the duties of the medical director on a temporary basis until such time as a new medical director is identified and begins work at the program. The interim physician may be another owner of the program or a program physician employed by or associated with the program.

8.5.d. During all hours of operation, every opioid treatment program shall have present and on duty at the program at least one of the following actively-licensed health care professionals:

8.5.d.1. Program physician;

8.5.d.2. Physician assistant;

8.5.d.3. Advanced practice registered nurse; or

8.5.d.4. Registered nurse.

9.2.b. Prior to directly billing a patient for any opioid treatment, a opioid treatment program must receive either a rejection of prior authorization, or rejection of a submitted claim or a written denial from a patient's insurer or West Virginia Medicaid denying coverage for such treatment.

17.10. Prescriptions for medication-assisted treatment medications shall include full identifying information for the patient, including full name and physical address; diagnosis code for which the medication is being prescribed; drug name, strength, dosage form, quantity and directions for use; the MAT program's license number; and the prescribing program physician's regular DEA number and DATA 2000 identification number, if applicable.

18.4.c.2. Upon call-back, a patient shall report to the program within 24 hours of notification, with all take-home medications. The quantity and integrity of packaging shall be verified for all doses. If a take-home dose shows evidence of tampering, the program shall impose uniform sanctions for violating take-home policies, including sanctions for a patient's tampering with a take-home dose, if applicable.

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20.7.e. All physical and biopsychosocial assessments completed every 90 days;

21.10. A patient enrolled in a MAT program shall not be permitted to obtain treatment in any other MAT program except in exceptional circumstances and only as provided in section 30.14 of these rules.

25.4. Each patient accepted for treatment at a MAT program shall be assessed including physical and biopsychosocial assessments initially and at least every 90 days following the initial assessment by qualified personnel who shall determine the most appropriate combination of recovery-oriented services and treatment for the patient.

27.2.d. A program physician or supervised physician extender shall perform a physical assessment of a patient on the same day that the program physician initially prescribes, dispenses or administers a medication-assisted treatment medication to a patient. If the patient continues to be treated for substance use disorder at the program, a physical assessment shall be performed at least every 90 days thereafter. All assessments shall be performed according to accepted and prevailing standards for medical care.