

MAINE STATE LEGISLATURE

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BETHANY L. HAMM
ACTING COMMISSIONER

DATE: December 27, 2018

TO: Joint Standing Committee on Health and Human Services

FROM: Sheldon Wheeler, Director, Office of Substance Abuse and Mental Health Services

RE: Public Law, 2017 c 184 – Resolve, An Act to Establish a Pilot Project for Medicaid Reimbursement for Acupuncture Treatment of Substance Abuse Disorders

Public Law, 2017 c 184 seeks to establish a pilot project in which licensed acupuncturists provide treatment to individuals who experience substance use and co-occurring disorders using the National Acupuncture Detoxification Association’s Auricular Acupuncture Protocol. Public Law, 2017 c 184 includes consultation between the Department and a statewide association of licensed acupuncturists to establish treatment standards. Public Law, 2017 C 184 also includes a requirement that the services rendered in this pilot project be reimbursable as allowed under the United States Social Security Act, Title XIX, and that it be developed and implemented in a manner that ensures cost-neutrality or savings to the MaineCare program. Additionally, Public Law, 2017 c 184 requires that the DHHS Office of Substance Abuse and Mental Health Services complete and present a report at the conclusion of the pilot program.

Public Law, 2017 c 184 requires compensation for acupuncture providers under the United States Social Security Act, Title XIX. At this time, the federal Center for Medicare and Medicaid Services (CMS) does not recognize acupuncture as a reimbursable service for substance use or co-occurring disorders, nor does CMS permit services administered through pilot programs to be reimbursed. In addition, the Department cannot ensure that a program will result in cost-neutrality or savings prior to initiating that project if the project involves spending. For these reasons, the Department recommends that funding be allocated for a pilot project for acupuncture treatment of substance use and co-occurring disorders independent of Medicaid reimbursement should the Legislature wish for this pilot program to occur.

The Department recognizes the necessity and utility of implementing a wide array of services with a strong basis in evidence for predicting efficacy to engender positive, productive results for individuals in Maine suffering from the effects of substance use and co-occurring disorders. For the Committee’s consideration, included is a link to SAMHSA’s new Evidence-Based Practice Resource Center, which is updated frequently to reflect new evidence and evolving trends in behavioral health (<https://www.samhsa.gov/ebp-resource-center/about>).

In summary, should the Legislature wish to revisit this issue, the Department requests that a bill provide requirements that are in alignment with the federal and state bodies involved and appropriate funding

adequate to meet all tenets of the legislation. The Department would be available to work with the Committee and stakeholders to help ensure that final language is developed in such a manner that this proposal will engender maximum benefit to the people of Maine.

Please let us know if you have any questions or need any further information.

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