

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 952

S.P. 307

In Senate, March 9, 2017

An Act To Ensure Access to Opiate Addiction Treatment in Maine

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator WOODSOME of York.
Cosponsored by Representative POULIOT of Augusta and
Senators: BREEN of Cumberland, CUSHING of Penobscot, DION of Cumberland,
GRATWICK of Penobscot, LANGLEY of Hancock, Representatives: BATTLE of South
Portland, HARVELL of Farmington, VACHON of Scarborough.

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

2 **Sec. 1. 32 MRSA §2211** is enacted to read:

3 **§2211. Dispensing opioid medication to patients in opioid treatment programs**

4 A registered professional nurse and a certified nurse practitioner may dispense opioid
5 medication for substance abuse treatment purposes to patients within an opioid treatment
6 program under the direction of the medical director of the opioid treatment program.

7 **Sec. 2. 32 MRSA §2258-B** is enacted to read:

8 **§2258-B. Dispensing opioid medication to patients in opioid treatment programs**

9 A licensed practical nurse may dispense opioid medication for substance abuse
10 treatment purposes to patients within an opioid treatment program under the direction of
11 the medical director of the opioid treatment program.

12 **Sec. 3. 32 MRSA §13751, sub-§5** is enacted to read:

13 **5. Opioid treatment program; pharmacist oversight of take-home medication**
14 **dispensing.** An opioid treatment program under rules adopted by the board is not
15 required to maintain a pharmacist in charge to be responsible for the opioid treatment
16 program's compliance with this chapter, rules adopted by the board and federal and state
17 laws, rules and regulations specified in board rules. An opioid treatment program shall
18 enter into a written agreement with a licensed pharmacist to serve as a consultant on the
19 dispensing of opioid medication to patients for take-home use. The consultant pharmacist
20 shall visit the opioid treatment program at least once a month to review the
21 pharmaceutical services and monitor the services to ensure accuracy and prepare a report
22 including findings and recommendations for improvement. The opioid treatment
23 program shall maintain on site signed and dated reports for each on-site visit by the
24 consultant pharmacist. The consultant pharmacist shall develop procedures for the
25 distribution and controls of drugs and biologicals in the opioid treatment program;
26 compound, package, label and dispense all drugs to be administered to clients; inspect all
27 areas where drugs are stored, including, but not limited to, emergency supplies, to ensure
28 that all drugs are properly labeled, stored and controlled; and monitor drug therapy for
29 drug interactions and incompatibilities and maintain documentation of the drug
30 interactions and incompatibilities. The opioid treatment program in consultation with the
31 consultant pharmacist shall develop and implement written policies and procedures for
32 control and accountability, distribution and assurance of quality of all drugs and
33 biologicals. The opioid treatment program shall maintain records for all transactions of
34 pharmaceutical services as required by law and as necessary to maintain control of, and
35 accountability for, all drugs and pharmaceutical supplies. The dispensing of opioids for
36 take-home use by an opioid treatment program may be undertaken by any professional
37 whose scope of practice permits such dispensing. The board shall adopt rules to
38 implement this subsection. Rules adopted pursuant to this subsection are routine
39 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

1 **Sec. 4. MaineCare reimbursement rates for outpatient opioid treatment.**
2 The Department of Health and Human Services shall amend its rule Chapter 101:
3 MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services
4 regarding the reimbursement rate paid to outpatient opioid treatment providers to increase
5 the rate from \$60 to \$80 a week. The department may amend its rules to increase the rates
6 above the reimbursement rates specified in this section at any time. The department shall
7 take all necessary actions to implement the reimbursement increase under this section.

8 **Sec. 5. Rate study.** The Department of Health and Human Services shall contract
9 with a 3rd-party consultant to conduct a rate study regarding the reimbursement rate paid
10 to outpatient opioid treatment providers under its rule Chapter 101: MaineCare Benefits
11 Manual, Chapter III, Section 65, Behavioral Health Services. The rate study must account
12 for provider costs related to outpatient opioid treatment services. The department shall
13 ensure that the 3rd-party consultant conducting the study under this section invites the
14 participation of stakeholders providing outpatient opioid treatment services. The
15 department shall report its progress and findings under this section to the Joint Standing
16 Committee on Health and Human Services no later than December 30, 2017. The
17 committee may report out a bill related to the report to the Second Regular Session of the
18 128th Legislature.

19 **Sec. 6. Outpatient opioid treatment providers opening days.** The office of
20 substance abuse and mental health services, division of licensing and regulatory services
21 within the Department of Health and Human Services shall amend its rule Chapter 5:
22 Regulations for Licensing and Certifying of Substance Abuse Treatment Programs to
23 permit outpatient opioid treatment providers to remain open 6 days per week rather than 7
24 days per week.

25 **SUMMARY**

26 This bill directs the Department of Health and Human Services to amend its rules to
27 increase the MaineCare reimbursement rate for outpatient opioid treatment to \$80 per
28 week and to permit outpatient opioid treatment providers to be open 6 days per week as
29 provided under federal law. It directs the department to contract with a 3rd-party
30 consultant to conduct a rate study regarding reimbursement to outpatient opioid treatment
31 providers. It authorizes opioid treatment programs under the Maine Pharmacy Act to
32 operate without maintaining a pharmacist in charge but requires opioid treatment
33 programs to enter into a written agreement with a licensed pharmacist to serve as a
34 consultant to the opioid treatment program. It authorizes registered professional nurses,
35 certified nurse practitioners and licensed practical nurses to dispense opioid medication
36 for substance abuse treatment purposes to patients in an opioid treatment program.