

MEDICAID SERVICES MANUAL
TRANSMITTAL LETTER

July 27, 2021

TO: CUSTODIANS OF MEDICAID SERVICES MANUAL

FROM: JESSICA KEMMERER, HIPAA PRIVACY AND CIVIL RIGHTS OFFICER

SUBJECT: MEDICAID SERVICES MANUAL CHANGES
CHAPTER 3800 – MEDICATION ASSISTED TREATMENT

BACKGROUND AND EXPLANATION

Revisions to Medicaid Services Manual (MSM Chapter 3800 – Medication Assisted Treatment) are being proposed to align with new buprenorphine practice guidelines published by the Department of Health and Human Services that among other things, remove a long time requirement tied to training, which some practitioners have cited as a barrier to treating more people. These revisions include updating exemption language related to training, counseling and other ancillary services for providers prescribing to 30 or fewer patients, and added annual reporting requirements for qualified providers approved to treat up to 275 patients.

Throughout the chapter, grammar, punctuation and capitalization changes were made, duplications removed, acronyms used and standardized, and language reworded for clarity. Renumbering and re-arranging of sections was necessary.

Entities Financially Affected: This proposed change affects all Medicaid-enrolled providers delivering MAT services for OUD. Those provider types (PT) include, but are not limited to: Physician, M.D., Osteopath, D.O. (PT 20), Advance Practice Registered Nurse (PT 24), Nurse Midwife (PT 74), Physician’s Assistant (PT 77), and Substance Abuse Agency Model (SAAM) (PT 17 Specialty 215).

Financial Impact on Local Government: unknown at this time.

These changes are effective July 28, 2021.

MATERIAL TRANSMITTED	MATERIAL SUPERSEDED
MTL OL Medication Assisted Treatment	MTL 17/20 Medication Assisted Treatment

Manual Section	Section Title	Background and Explanation of Policy Changes, Clarifications and Updates
MSM 3802(A)	Coverage and Limitations	Added exception note.

Manual Section	Section Title	Background and Explanation of Policy Changes, Clarifications and Updates
MSM 3802(B)	Coverage and Limitations	Outlined the exemption to certification requirements.
MSM 3802(D)(1)	Coverage and Limitations	Added clarifying language for increasing number of patients.
MSM 3802(E)	Coverage and Limitations	Updated section with the Department of Health and Human Services amended DATA 2000 guidelines.
MSM 3802(F)(8)	Coverage and Limitations	Added language for eligible providers prescribing to 30 or fewer patients.
MSM 3802(G)(4)	Coverage and Limitations	Added language regarding annual reporting requirements for eligible providers treating up to 275 patients.

DRAFT	MTL 17/200L
DIVISION OF HEALTH CARE FINANCING AND POLICY	Section: 3802
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3802 COVERAGE AND LIMITATIONS

Requirements for eligible providers to prescribe buprenorphine as treatment for opioid dependence:

- A. Must have a DATA 2000 waiver from the Substance Abuse and Mental Health Services Administration (SAMHSA), **exception is described in D.1.below.**
- ~~A.B.~~ Effective 04/26/21, the Office of the Secretary, Department of Health and Human Services, amended the DATA 2000 requirements to provide for an exemption allowing eligible providers, who are state licensed and registered by the DEA, to treat up to 30 patients with Opioid Use Disorder (OUD) using buprenorphine without having met certification requirements related to training, counseling and other ancillary services (i.e., psychosocial services) under 21 U.S.C. 823(g)(2)(B)(i)–(ii).
- ~~B.C.~~ Eligible providers include the following:
 - 1. Physician, M.D., Osteopath, D.O. (PT 20)
 - 2. Advance Practice Registered Nurse (PT 24)
 - 3. Physician’s Assistant (PT 77)
 - 4. Nurse Midwife (PT 74)
- ~~C.D.~~ Patient limits:
 - 1. 30 or Fewer Patients - During the first-year prescribing buprenorphine, an eligible provider, **meeting the requirements listed under A. or A.1.,** may maintain a patient load of up to 30 or fewer individuals receiving MAT at any point in time. **After one year of prescribing to 30 or fewer patients, an eligible provider may apply for a waiver from SAMHSA to treat a maximum of 100 patients.**
 - 2. 100 or Fewer Patients –Allowed in the first year if the eligible provider holds additional credentialing
 - a. Nevada Board certified in addiction medicine
 - b. Nevada Board certified in addiction psychiatry
 - c. Provides MAT in a qualified practice setting
 - ~~3. —100 or Fewer Patients— After one year of prescribing to 30 or fewer patients, an eligible provider may apply for a waiver from SAMHSA to treat a maximum of 100 patients.~~

DRAFT	MTL-17/290L
DIVISION OF HEALTH CARE FINANCING AND POLICY	Section: 3802
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4.3. 275 or Fewer Patients – After one year of prescribing under a waiver to treat a maximum of 100 patients, an eligible provider may apply to SAMHSA for a waiver to treat up to 275 patients. Eligible providers must reapply for 275-patient waiver every three years.

~~D.E.~~ Provides opioid related counseling during the visit and(must be documented in clinical notes). Related counseling may not be required by eligible providers prescribing to 30 or fewer patients who are performing services under Department of Health and Human Services (DHHS) amended the DATA 2000 guidelines.

~~E.F.~~ According to DATA 2000, licensed physicians (MD/DO) are considered qualified to prescribe buprenorphine if at least one of the following criteria has been met:

1. Completion of not less than eight hours of authorized training on the treatment or management of opioid-dependent patients
2. Holds an addiction psychiatry subspecialty board certification from the American Board of Medical Specialties
3. Holds an addiction medicine certification from the American Society of Addiction Medicine (ASAM)
4. Holds an addiction medicine subspecialty board certification from the American Osteopathic Association (AOA)
5. Participation as an investigator in one or more clinical trials leading to the approval of a narcotic drug in Schedule III, IV, or V for maintenance or detoxification treatment
6. Training or other such experience as determined by the physician's state medical licensing board
7. Training or other such experience as determined by the U.S. Secretary of Health and Human Services.

7.8. Eligible providers who are state licensed and registered by the DEA to prescribe controlled substances can prescribe to 30 or fewer patients under the DHHS guidelines effective 04/26/21.

G. Physicians must satisfy all the following criteria:

1. Follow all policies and guidelines related to their individual provider type per MSM Chapter 600, Physician Services.

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2. Have the capacity to provide or to refer patients for necessary ancillary services, such as psychosocial therapy.
3. Agree to treat no more than 30 patients at any one time in an individual or group practice during the first year following certification; after treating patients for one year and sending in a second notice of intent and need to Substance Abuse and Mental Health Services Administration (SAMHSA), agree to treat no more than 100 patients at any given time.
4. Every year, per 42 CFR 8.635, eligible providers approved to treat up to 275 patients must submit information about their practice to SAMHSA for purposes of monitoring regulatory compliance. The goal of the reporting requirement is to ensure that practitioners are providing buprenorphine treatment in compliance with the final rule Medication Assisted Treatment for Opioid Use Disorders (81 FR 44711).