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418.401: Introduction

130 CMR 418.000 establishes the requirements for services provided by public and private substance abuse treatment programs reimbursable under MassHealth in the treatment of substance dependency.

418.402: Definitions

The following terms used in 130 CMR 418.000 have the meanings given in 130 CMR 418.402 unless the context clearly requires a different meaning. The reimbursability of services defined in 130 CMR 418.400 is not determined by these definitions, but by the application of regulations elsewhere in 130 CMR 418.000 and in 130 CMR 450.000.

Acupuncture Detoxification — the insertion of metal needles through the skin at certain points on the body, with or without the use of herbs, with or without the application of an electric current, and with or without the application of heat to the needles, skin, or both, in an attempt to withdraw an individual from dependence on substances.

Acute Inpatient Substance Abuse Treatment Services — short-term medical treatment for substance withdrawal, individual medical assessment, evaluation, intervention, substance abuse counseling, and postdetoxification referrals provided by an inpatient unit, either freestanding or hospital-based, licensed as an acute inpatient substance abuse treatment service by the Massachusetts Department of Public Health under its regulations at 105 CMR 160.000 and 161.000. These services are delivered in a three-tiered system consisting of Levels III-A through III-C that must conform with the standards and patient placement criteria issued and enforced by the Massachusetts Department of Public Health's Bureau of Substance Abuse Services.

Case Consultation —

- (1) Case consultation is a preplanned meeting of at least one-half hour's duration between the substance abuse treatment provider and other providers of treatment concerning a member who is a client of the substance abuse treatment provider.
- (2) The purpose of case consultation must be one or more of the following:
 - (a) identify and plan for additional services;
 - (b) coordinate a treatment plan with other providers involved in the member's care;
 - (c) review the member's progress; or
 - (d) revise the treatment plan as required.

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Couple Counseling — rehabilitative counseling provided to a couple whose primary complaint is disruption of their relationship or family due to substance abuse.

Enhanced Acute Inpatient Substance Abuse Treatment Services — a program to detoxify pregnant women from alcohol or drugs that involves special medical protocols to address the needs of pregnancy and that includes other medical and support components to ensure quality of both substance abuse treatment and obstetrical care.

Family Counseling — rehabilitative counseling of more than one member of a family at the same time in the same session, where the primary complaint is disruption of the family due to substance abuse.

Group Counseling — rehabilitative counseling of a group of individuals, most of whom are not related by blood, marriage, or legal guardianship, having a primary complaint that is associated with substance abuse.

Individual Counseling — rehabilitative counseling provided to an individual whose primary complaint is substance abuse.

Methadone Detoxification — the withdrawal of an individual from dependence on heroin or other opiate-like drugs by means of administering or dispensing methadone as a narcotic drug in decreasing dosages in accordance with U.S. Food and Drug Administration regulations.

Methadone Maintenance — the continued administering or dispensing of methadone in conformance with U.S. Food and Drug Administration regulations and in conjunction with the provision of appropriate social and medical services. The methadone is administered at a relatively stable dosage level to an individual dependent on heroin or other opiate-like drugs as an oral substitute for heroin or other opiate-like drugs.

Methadone Treatment Program — a drug treatment program that furnishes a comprehensive range of services using methadone for the detoxification or maintenance of narcotic-dependent individuals, conducts the initial evaluation of individuals, and provides ongoing treatment at a specified location or locations.

Motivational and Supportive Services — counseling as a component of acupuncture detoxification that:

- (1) encourages the individual to remain in acupuncture detoxification treatment;
- (2) assists the individual to obtain necessary medical and social services;
- (3) includes AIDS (acquired immune deficiency syndrome) risk assessment and education services; and
- (4) motivates the individual to participate in ongoing outpatient substance abuse treatment.

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Nurse Practitioner — an individual licensed in accordance with M.G.L. c. 112, s. 80B, and knowledgeable in the field of substance addiction.

Physician Assistant — an individual licensed in accordance with M.G.L. c. 112, s. 9G, and knowledgeable in the field of substance addiction.

Pregnant Member — for purposes of these regulations, a MassHealth member qualifies for services as a pregnant member from the time her pregnancy is clinically verified until the end of the calendar month in which the 60-day postpartum period ends.

Registered Nurse — an individual licensed by the Massachusetts Board of Registration in Nursing in accordance with M.G.L. c. 112, s. 74, and knowledgeable in the field of substance addiction.

Substance Abuse Outpatient Counseling Service — an outpatient counseling service that is a rehabilitative treatment service for individuals and their families experiencing the dysfunctional effects of the use of substances.

418.403: Eligible Members

- (A) (1) MassHealth Members. The MassHealth agency pays for substance abuse treatment services only when provided to eligible MassHealth members, subject to the restrictions and limitations described in MassHealth regulations. 130 CMR 450.105 specifically states, for each MassHealth coverage type, which services are covered and which members are eligible to receive those services.
- (2) Recipients of the Emergency Aid to the Elderly, Disabled and Children Program. For information on covered services for recipients of the Emergency Aid to the Elderly, Disabled and Children Program, see 130 CMR 450.106.
- (B) For information on verifying member eligibility and coverage type, see 130 CMR 450.107.
- (C) The MassHealth agency pays for special services for eligible pregnant members. Special services for pregnant members are subject to the requirements set forth in 130 CMR 450.124.
- (D) See 130 CMR 450.124 for limitations on mental health and substance abuse services provided to members enrolled with a MassHealth managed care provider.

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418.404: Provider Eligibility

Payment for services described in 130 CMR 418.000 will be made only to providers of substance abuse treatment services who are participating in MassHealth on the date of service. The eligibility requirements for providers of substance abuse treatment services are as follows.

- (A) In State. The following requirements apply when the provider is located in Massachusetts.
- (1) Methadone Treatment Program. A provider who furnishes methadone detoxification and methadone maintenance services must be licensed as a methadone treatment program by the Massachusetts Department of Public Health under its regulations at 105 CMR 750.000.
 - (2) Acute Inpatient Substance Abuse Treatment Services. A provider who furnishes acute inpatient substance abuse treatment services must be licensed or approved, or both, as a provider of acute inpatient substance abuse treatment services by the Massachusetts Department of Public Health pursuant to its regulations at 105 CMR 160.000 and 161.000.
 - (3) Substance Abuse Outpatient Counseling Program. A provider who furnishes substance abuse outpatient counseling services must be licensed by the Massachusetts Department of Public Health to provide such services under its regulations at 105 CMR 162.000. These services include counseling services and acupuncture detoxification.
 - (4) Special Services for Pregnant Members. A provider who furnishes intensive outpatient, day treatment, or case management services must be approved by the Massachusetts Department of Public Health to provide each of those services under its regulations at 105 CMR 162.000. A provider who furnishes enhanced acute inpatient substance abuse treatment services must be approved by the Massachusetts Department of Public Health to provide such services under its regulations at 105 CMR 160.000 and 161.000.
- (B) Out of State. To participate in MassHealth, an out-of-state substance abuse treatment program must obtain a MassHealth provider number and meet the following criteria:

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- (1) the program must be licensed as a methadone treatment program, acute inpatient substance abuse treatment program, or substance abuse outpatient counseling program by the appropriate state agency under whose jurisdiction it operates;
- (2) the program must participate in its own state's Medical Assistance Program or its equivalent;
- (3) the program must have a rate of reimbursement established by the appropriate rate setting regulatory body of its state; and
- (4) the program must be one that recipients in a particular locality use for medical services as a general practice.

418.405: Scope of Services

The Division pays only for the following services furnished by substance abuse treatment programs, in accordance with the regulations of the Massachusetts Department of Public Health at 105 CMR 160.000, 161.000, 162.000, and 750.000:

- (A) the following services provided by freestanding methadone treatment programs, including methadone detoxification and methadone maintenance programs:
 - (1) the administration and dispensing of methadone; and
 - (2) individual, group, and family/couple counseling;
- (B) services provided by acute inpatient substance abuse treatment services providers for the treatment of substance dependency;
- (C) the following substance abuse outpatient counseling services:
 - (1) individual, group, and family/couple counseling;
 - (2) case consultation; and
 - (3) acupuncture detoxification, which includes acupuncture treatments and motivational and supportive services; and
- (D) the following special substance abuse treatment services for pregnant recipients:
 - (1) intensive outpatient program services for pregnant recipients;
 - (2) day treatment for pregnant recipients;
 - (3) enhanced acute inpatient substance abuse treatment services for pregnant recipients as described in 130 CMR 418.410(D); and
 - (4) case management for pregnant recipients as described in 130 CMR 418.410(C).

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418.406: Service Limitations

(A) Methadone Treatment Programs.

- (1) Payment for administering or dispensing methadone is limited to one dose per recipient per day. Payment for dispensing a take-home supply is limited to a maximum six days' supply.
- (2) Payment for counseling services is limited to four sessions (individual, group, or family/couple) per recipient per week.

(B) Acute Inpatient Substance Abuse Treatment Services. The Division will pay for acute inpatient substance abuse treatment services delivered in conformance with the standards and patient placement criteria issued and enforced by the Massachusetts Department of Public Health's Bureau of Substance Abuse Services.

(C) Substance Abuse Outpatient Counseling Programs.

- (1) Counseling. Payment for counseling services is limited to a maximum of 24 sessions (individual, group, or family/couple) per recipient per calendar year.
- (2) Case Consultation.
 - (a) The Division will pay a provider only for case consultation that lasts at least 30 minutes. Payment is limited to a maximum of one hour per session, once every three months.
 - (b) The Division will pay for case consultation only when telephone contact, written communication, and other nonreimbursable forms of communication clearly will not suffice. Such circumstances must be documented in the recipient's record. Such circumstances are limited to situations in which both the substance abuse treatment provider and the other provider are actively involved in treatment or management programs with the recipient (or family members) and where a lack of face-to-face communication would impede a coordinated treatment program.
 - (c) The Division will not pay for court testimony.
- (3) Acupuncture Detoxification.
 - (a) The Division will pay for outpatient acupuncture detoxification sessions, which may include acupuncture treatments and motivational and supportive services. A provider may not bill separately for these components.
 - (b) Acupuncture treatments must be performed by an acupuncturist licensed by the Massachusetts Board of Registration in Medicine in a substance abuse outpatient facility licensed by the Massachusetts Department of Public Health.

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(c) Payment for acupuncture detoxification sessions is limited to a maximum of six treatments per recipient per week for the first two weeks and a maximum of three treatments per recipient per week thereafter. Each session must last at least 45 minutes and no more than 60 minutes.

(d) All recipients seeking acupuncture detoxification services must be screened to ensure that acupuncture treatment is not medically contraindicated. If the screening determines that acupuncture treatment is medically contraindicated, the provider should assist the individual in obtaining an alternative form of treatment. The screening may be performed by a physician assistant, a nurse practitioner, or a registered nurse. The recipient is appropriate for acupuncture detoxification services if the screening determines that the recipient:

- (i) has no history of seizures, delirium tremens, or other life-threatening withdrawal symptoms; and
- (ii) is oriented to time, place, and person.

(D) Special Services for Pregnant Recipients. See 130 CMR 418.410.

418.407: In-State Providers: Maximum Allowable Fees

The Massachusetts Rate Setting Commission determines the maximum allowable fees for substance abuse treatment programs. Payment is always subject to the conditions, exclusions, and limitations set forth in 130 CMR 418.000. Reimbursement for a service shall be the lower of the following:

- (A) the maximum allowable fee listed in the applicable Rate Setting Commission fee schedule; or
- (B) the program's usual and customary fee.

418.408: Out-of-State Providers: Maximum Allowable Fees

Payment to a substance abuse treatment program located out of state shall be in accordance with the applicable rate schedule of its state's Medical Assistance Program or its equivalent and is always subject to the applicable conditions, exclusions, and limitations set forth in 130 CMR 418.000.

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418.409: Recordkeeping Requirements

The provider must maintain for each recipient a complete record of all physical examinations, laboratory tests, and treatments including drug and counseling therapies, whether provided directly or by referral. The record must contain a progress note for each counseling session, including treatment modality and duration. Each entry must be signed by the recipient's primary therapist and must include the therapist's professional discipline and the date of the counseling session. The provider must maintain on its premises either the original record or a microfilm of the original record for each recipient for a period of at least four years following the date of service. Such records must meet federal and state recordkeeping requirements as set forth in the Division's administrative and billing regulations at 130 CMR 450.000 and in the Massachusetts Department of Public Health's regulations at 105 CMR 160.000, 161.000, 162.000, and 750.000.

418.410: Special Services for Pregnant Recipients: Scope of Services

The Division pays for special substance abuse treatment services for pregnant recipients, as described below.

- (A) Intensive Outpatient Program for Pregnant Recipients. See 130 CMR 418.405(D).
- (B) Day Treatment Program for Pregnant Recipients. See 130 CMR 418.405(D).
- (C) Case Management for Pregnant Recipients. Case management services must be provided with the intensive outpatient program for pregnant recipients and day treatment program for pregnant recipients as referred to in 130 CMR 418.405(D). Case management services coordinate the substance abuse treatment of the pregnant recipient with the other medical and community services that are critical to the needs of the recipient. Case management staff are required to meet qualifications specified by the Massachusetts Department of Public Health. Case management services must include:
 - (1) substance abuse treatment plans and the coordination of treatment service delivery;
 - (2) the coordination of prenatal and postpartum care, including the provision of intensive follow-up, which includes assistance in the following:
 - (a) obtaining a prenatal care provider; and
 - (b) scheduling initial appointments and following up to ensure that ongoing prenatal care is obtained;

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(3) coordination with community agencies to enhance access to support services for the recipient during and after treatment. The arrangements must include the following services, as appropriate:

- (a) coordination with the Women, Infants, and Children (WIC) organization;
 - (b) family planning services;
 - (c) services to assist with domestic violence issues;
 - (d) parenting support services;
 - (e) coordination with the Massachusetts Department of Social Services, involving its case plan where applicable;
 - (f) coordination with other state agencies, including local welfare offices; and
 - (g) other services as needed, including child care, housing, mental health counseling, transportation, legal aid, and HIV-related services, including counseling and testing; and
- (4) aftercare treatment planning, including continuing substance abuse treatment as needed, continuing health care for mother and infant, coordination with self-help groups, and coordination with continuing prenatal care.

(D) Enhanced Acute Inpatient Substance Abuse Treatment Services for Pregnant Recipients (Levels III-A through III-C). Enhanced acute inpatient substance abuse services for pregnant recipients are provided at levels III-A through III-C to qualified recipients and involve clinically appropriate medical protocols that include both medical and support components to ensure the quality of substance abuse treatment and obstetrical care. Providers of enhanced acute inpatient substance abuse treatment services for pregnant recipients must have on staff and on site an obstetric/gynecological registered nurse who will administer the substance abuse treatment plan. The staff ratio must be one full-time registered nurse for up to four recipients. If more than four recipients are receiving acute inpatient substance abuse treatment services, additional obstetric/gynecological registered nurses shall be required in order to maintain the nursing-staff-to-recipient ratio of one to four. Part-time staff or full-time equivalent staff may be used only where necessary to maintain a one-to-four staff ratio while recipient census is above four. Pregnant recipients may receive the following enhanced acute inpatient substance abuse treatment services:

- (1) clinically appropriate medical protocols for withdrawal from alcohol and other drugs;
- (2) clinical counseling and rehabilitation with a goal of long-term recovery;
- (3) obstetric assessment and management, including both arrangements for prenatal examinations during the detoxification and emergency obstetric and medical backup; and
- (4) an aftercare treatment plan, including post-detoxification referrals.

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418.411: Special Services for Pregnant Recipients: Service Limitations

(A) Eligibility Period. A pregnant recipient's treatment plan for substance abuse may provide for no more than 10 consecutive months of service from the initiation of treatment. Services under this program may be initiated as soon as the pregnancy is clinically verified or at any month during the pregnancy. Eligibility for special services for pregnant recipients continues until the last day of the calendar month in which the 60-day postpartum period ends. A recipient may enter or reenter treatment up to the 30th day of the postpartum period. At the conclusion of this eligibility period, a recipient is eligible for all other substance abuse treatment services described in 130 CMR 418.000 and in accordance with the service limitations stated in 130 CMR 418.406.

(B) Case Management.

- (1) Providers may bill for no more than 47 case management hours in total, and no more than three case management hours per week, during the period of eligibility for special services for pregnant recipients.
- (2) Case management may be claimed as a separate service only when provided with the intensive outpatient program. Payment for case management is included in the rate for day treatment services for pregnant recipients and may not be claimed separately when provided with day treatment.

(C) Intensive Outpatient Program. Under the intensive outpatient program, payment for individual counseling services is limited to a maximum of 47 hours per eligibility period per recipient. Payment for group counseling is limited to a maximum of 282 hours per eligibility period per recipient. Payment for family counseling is limited to a maximum of 26 hours per eligibility period per recipient. The intensive outpatient program must be provided in conjunction with case management services as described in 130 CMR 418.410(C). The Division will not pay for the following services while the recipient is receiving intensive outpatient program services:

- (1) methadone counseling;
- (2) day treatment;
- (3) acute inpatient substance abuse treatment or enhanced acute inpatient substance abuse treatment; or
- (4) outpatient counseling.

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(D) Day Treatment Program. Under the day treatment program, payment for individual counseling is limited to 47 hours per eligibility period per recipient. Payment for family/couple counseling is limited to 26 hours per eligibility period per recipient. Payment for day treatment is limited to 235 days. Case management services as described in 130 CMR 418.410(C) must be provided as a component of day treatment and are included in the day treatment rate (see 130 CMR 418.411(B)(2)). The Division will not pay for the following services while the recipient is receiving day treatment services:

- (1) methadone counseling;
- (2) outpatient counseling;
- (3) acute inpatient substance abuse treatment or enhanced acute inpatient substance abuse treatment; or
- (4) intensive outpatient group counseling.

(E) Enhanced Acute Inpatient Substance Abuse Treatment Services. While the recipient is receiving enhanced acute inpatient substance abuse treatment services, the Division will not pay for any other substance abuse treatment service. These services are reimbursable only if they are delivered in conformance with the standards and patient placement criteria issued and enforced by the Massachusetts Department of Public Health's Bureau of Substance Abuse.

REGULATORY AUTHORITY

130 CMR 418.000: M.G.L. c. 118E, ss. 7 and 12.

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