

101 CMR 444.00: RATES FOR CERTAIN SUBSTANCE USE DISORDER SERVICES

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444.01: General Provisions

(1) Scope, Purpose, and Effective Date. 101 CMR 444.00 governs rates of payment for opioid treatment services effective May 29, 2020, to be used by all governmental units making payment to eligible providers of certain substance use disorder services to publicly assisted clients. The rates for health care services set forth in 101 CMR 444.00 also apply to individuals covered by M.G.L. c. 152 (the Workers' Compensation Act).

(2) Disclaimer of Authorization of Services. 101 CMR 444.00 is neither authorization for nor approval of the substantive services for which rates are determined pursuant to 101 CMR 444.00. Governmental units that purchase services from eligible providers are responsible for the definition, authorization, and approval of services extended to publicly assisted clients.

(3) Coding Updates and Corrections. EOHHS may publish procedure code updates and corrections in the form of an administrative bulletin. The publication of such updates and corrections will list:

- (a) codes for which only the code numbers change, with the corresponding cross references between existing and new codes;
- (b) deleted codes for which there are no corresponding new codes; and
- (c) codes for entirely new services that require pricing. EOHHS will list these codes and apply individual consideration (I.C.) reimbursement for these codes until appropriate rates can be developed.

444.02: Definitions

As used in 101 CMR 444.00, terms shall have the following meanings, unless the context requires otherwise.

Approved Program Rate. The rate per service unit approved by EOHHS and filed with the Secretary of the Commonwealth.

Center. The Center for Health Information and Analysis established under M.G.L. c. 12C.

Eligible Provider. Any individual, group, partnership, trust, corporation, or other legal entity that offers services for purchase by a governmental unit and that meets the conditions of purchase or licensure that have been or may be adopted by a purchasing governmental unit.

EOHHS. The Executive Office of Health and Human Services established under M.G.L. c. 6A.

Established Charge. The lowest fee that is charged or accepted as payment by the eligible provider to the general public or any third-party payer, other than a governmental unit, for the provision of services. Fees based upon the client's ability to pay, as in the case of a sliding fee scale, and fees subject to EOHHS review and approval are not deemed to be established charges.

Governmental Unit. The Commonwealth, any board, commission, department, division, or agency of the Commonwealth and any political subdivision of the Commonwealth.

Individualized Treatment and Stabilization Services. Acute Treatment Services (ASAM Level 3.7) and Clinical Stabilization Services (ASAM Level 3.5) provided in an appropriately licensed facility and in accordance with all applicable specifications.

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Medical Evaluation. An initial and annual one hour drug assessment conducted by a physician, advanced nurse practitioner, or other licensed medical practitioner.

Opioid Treatment Services. Supervised assessment and treatment of an individual, using FDA approved medications (including methadone, buprenorphine, buprenorphine/naloxone, and naltrexone), along with a comprehensive range of medical and rehabilitative services, when clinically necessary, to alleviate the adverse medical, psychological, or physical effects incident to opiate addiction. Opioid Treatment Services encompasses detoxification treatment and maintenance treatment.

Publicly Assisted Client. A person who receives program services for which a governmental unit is liable, in whole or in part, under a statutory program of financial assistance.

Purchasing Governmental Unit. A governmental unit that has purchased or is purchasing service units from an eligible provider.

444.03: Reporting Requirements

(1) Required Reports. Reporting requirements are governed by 957 CMR 6.00: *Cost Reporting Requirements*.

(2) Penalty for Noncompliance. The purchasing governmental unit may impose a penalty in the amount of up to 15% of its payments to any provider that fails to submit required information. The purchasing governmental unit will notify the provider in advance of its intention to impose a penalty under 101 CMR 444.03(2).

444.04: Rate Provisions

(1) Services Included in the Rate. The approved rate includes payment for all care and services that are part of the program of services of an eligible provider, as explicitly set forth in the terms of the purchase agreement between the eligible provider and the purchasing governmental unit(s).

(2) Rates as Full Payment. Each eligible provider must, as a condition of acceptance of payment made by any purchasing governmental units for services rendered, accept the approved program rate as full payment and discharge of all obligations for the services rendered. Payment from any other sources is used to offset the amount of the purchasing governmental unit's obligation for services rendered to the publicly assisted client.

(3) Payment Limitations. No purchasing governmental unit may pay less than or more than the approved program rate except as provided in 101 CMR 444.04(2).

(4) Approved Program Rates. The rate of payment for authorized services is the lower of the established charge or rate listed below. Refer to purchasers' manuals for special coding instructions and limitations on number of units.

Code	Rate	Unit	Description
H0001-U1	\$146.93	Per Visit	Alcohol and/or drug assessment (for buprenorphine and naltrexone medical evaluation at initiation of treatment)
H0033	\$38.54	Per Visit	Oral medication administration, direct observation (for 2.5 hour observation for first dosage of buprenorphine only; cannot be used in conjunction with H0033-U2)

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Code	Rate	Unit	Description
H0033-U2	\$10.36	Per Visit	Oral medication administration, direct observation (for daily buprenorphine dosing subsequent to first dosage; cannot be used in conjunction with H0033)
H0033-U3	\$9.45	Per Visit	Oral medication administration, direct observation (daily oral naltrexone dosing)
J0571	\$0.80	1 mg	Buprenorphine, oral, 1 mg
J0572	\$4.34	Less than or equal to 3 mg	Buprenorphine/naloxone, oral, less than or equal to 3 mg
J0573	\$7.76	3.1 mg to 6 mg	Buprenorphine/naloxone, oral, greater than 3 mg, but less than or equal 3.1 to 6 mg
J0574	\$7.76	Less than or equal to 10 mg, but greater than 6 mg	Buprenorphine/naloxone, oral, greater than 6 mg, but less than or equal to 10 mg
J0575	\$15.52	Greater than 10 mg	Buprenorphine/naloxone, oral, greater than 10 mg
J3490	\$1.20	Per 50 mg tablet	Unclassified drugs (for oral naltrexone)
H2015-HF	\$13.97	Per 15-minute Units	Recovery Support Navigator
H2036 - HK	\$766.01	<i>Per Diem</i>	Individualized Treatment and Stabilization (Tier 1)
H2036 - HF	\$556.02	<i>Per Diem</i>	Individualized Treatment and Stabilization (Tier 2)

444.05: Severability

The provisions of 101 CMR 444.00 are severable. If any provision of 101 CMR 444.00 or application of such provision to any eligible provider or fiscal intermediary is held invalid or unconstitutional, such determination will not affect the validity or constitutionality of any remaining provisions of 101 CMR 444.00 or application of such provisions to eligible providers or fiscal intermediaries in circumstances other than those held invalid.

REGULATORY AUTHORITY

101 CMR 444.00: M.G.L. c 118E.