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TO: BUREAU OF SUBSTANCE ADDICTION SERVICES LICENSED AND APPROVED PROVIDERS

FROM: DEIRDRE CALVERT, DIRECTOR, BUREAU OF SUBSTANCE ADDICTION SERVICES

SUBJECT: CLARIFICATION OF TERMINOLOGY: DAY TREATMENT SERVICES

DATE: SEPTEMBER 28, 2023

This document is intended to issue guidance to all Licensed and Approved Providers by the Massachusetts Department of Public Health's (DPH) Bureau of Substance Addiction Services (BSAS) regarding clarification of terminology in Day Treatment outpatient substance use disorder (SUD) treatment services.

BSAS encourages stakeholders with specific questions to contact your Regional License Inspector: <https://www.mass.gov/service-details/information-for-licensed-substance-use-disorder-treatment-programs>

BSAS encourages all providers to review the new regulation in its entirety, which may be found at the following link: <https://www.mass.gov/regulations/105-CMR-16400-licensure-of-substance-abuse-treatment-programs>

Guidance below is intended to clarify terminology within 105 CMR 164.231: Day Treatment.

Applicable Regulations for Day Treatment Services

Provisions of 105 CMR 164.231 through 105 CMR 164.234 apply to day treatment services. The Licensed or Approved Provider shall also comply with all provisions of 105 CMR 164.000: Part One, 105 CMR 164.201 through 105 CMR 164.205, and, for any Licensed or Approved Provider who is also a federally certified Opioid Treatment Provider, the provisions of 105 CMR 164.300 through 105 CMR 164.317.

Day Treatment Services Terminology in Marketing and Promotional Materials

Pursuant to 105 CMR 164.036: Marketing of Services, Licensed and Approved SUD Providers must ensure accurate marketing and promotional materials, including language on any websites, multimedia communications, and print sources. Services licensed or approved by BSAS must clearly indicate the services offered.

As such, through this guidance, BSAS clarifies that Partial Hospitalization Programs (PHP), and Intensive Outpatient Programs (IOP) are not types of services Licensed or Approved by BSAS pursuant to 105 CMR 164.

- *ASAM indicates Level 2.1 **Intensive Outpatient Programs (IOP)** for adults generally provide 9 – 19 hours of structured professionally directed programming per week. The program of services consists primarily of counseling and education about addiction-related and mental health problems. The patient’s needs for psychiatric and medical services are addressed through consultation and referral arrangements if the patient is stable and requires only maintenance monitoring of these conditions.*
- *ASAM indicates Level 2.5 **Partial Hospitalization Service** for adults provides a minimum of 20 hours of clinically intensive treatment services per week. Such services may include individual and group counseling, medication management, family therapy, educational groups, occupational and recreational therapy, and other therapies. Level 2.5 partial hospitalization programs typically have direct access to psychiatric, medical and laboratory services.*

Licensed and Approved Providers may not indicate, through any marketing or promotional materials, that the service offered is a licensed or approved PHP or IOP by BSAS. Providers licensed or approved for Day Treatment services under 105 CMR 164.231 must indicate in marketing and promotional materials that they are licensed or approved by BSAS to provide Day Treatment services.

However, Providers may note in their marketing and promotional materials that insurance companies use other terms to describe Day Treatment services, such as Partial Hospitalization Program (PHP), or Intensive Outpatient Program (IOP). Providers must ensure that their services are in line with all state and federal requirements, as well as ensuring that potential patients are fully educated on the services offered.

For information about terminology used by MassHealth, a public health insurance option available to eligible individuals in Massachusetts, please see the following:

130 CMR 418.000

Establishes the requirements for the treatment of substance use disorders provided by public and private substance use disorder treatment programs reimbursable under MassHealth.

<https://www.mass.gov/doc/130-cmr-418-substance-use-disorder-treatment-services/download>

130 CMR 429

Establishes requirements for participation of mental health centers in MassHealth and governs mental health centers operated by freestanding clinics and satellite clinics.

<https://www.mass.gov/doc/130-cmr-429-mental-health-center-services/download>

Managed Care Performance Specifications

General performance specifications apply to all network providers at all levels of care. Providers are also held accountable to the service-specific performance specifications, which include outpatient, Intensive Outpatient Services (IOP), Structured Outpatient Addiction Programs (SOAP), Enhanced SOAP (ESOAP) and PHP services. Please reach out to the managed care plans with whom you are contracted to receive the most updated performance specifications to ensure that services are provided in compliance with requirements.