



Senate

General Assembly

File No. 109

January Session, 2021

Substitute Senate Bill No. 764

Senate, March 23, 2021

The Committee on Human Services reported through SEN. MOORE of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING MEDICAID PROVIDERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-28e of the general statutes is amended by
2 adding subsection (d) as follows (*Effective from passage*):

3 (NEW) (d) Not later than October 1, 2021, the Commissioner of Social
4 Services shall amend the Medicaid state plan to include services
5 provided by acupuncturists licensed pursuant to section 20-206bb and
6 chiropractors licensed pursuant to section 20-27 as optional services
7 under the Medicaid program.

8 Sec. 2. Section 17b-280c of the general statutes is repealed and the
9 following is substituted in lieu thereof (*Effective July 1, 2021*):

10 (a) For purposes of this section: (1) "Methadone maintenance" means
11 a chemical maintenance program under which an addiction to one drug,
12 including, but not limited to, heroin, is treated with the drug methadone
13 in a weekly program that includes on and off-site methadone

14 administration, drug testing and counseling; and (2) "chemical
15 maintenance provider" means a provider certified and licensed by the
16 federal Substance Abuse and Mental Health Services Administration
17 and the state Department of Public Health who meets all federal and
18 state requirements, including, but not limited to, requirements specific
19 to the provision of chemical maintenance services.

20 (b) The Commissioner of Social Services shall amend the Medicaid
21 state plan to provide a minimum weekly reimbursement rate of eighty-
22 eight dollars and fifty-two cents to a chemical maintenance provider for
23 methadone maintenance treatment of a Medicaid beneficiary, provided
24 no such provider receiving a higher rate shall have such rate reduced to
25 the minimum as a result of the implementation of a new minimum
26 reimbursement rate.

27 [(c) Notwithstanding subsection (b) of this section, on or after July 1,
28 2020, any reimbursement to a chemical maintenance provider for
29 methadone maintenance treatment shall be contingent upon meeting
30 certain performance measures as determined by the commissioner. Such
31 performance measures shall be developed in consultation with the
32 Department of Mental Health and Addiction Services and chemical
33 maintenance providers. Initial performance measures shall be
34 developed by September 30, 2019, including the means by which such
35 measures shall be evaluated. The initial evaluation period shall be based
36 on the claims data for the quarter ending March 31, 2020. The
37 performance measures and thresholds may be adjusted after the initial
38 evaluation period. Failure to meet department-identified standards on
39 performance measures shall result in a rate reduction of (1) up to five
40 per cent for the quarters ending September 30, 2020, and December 31,
41 2020, and (2) up to ten per cent beginning January 1, 2021. No provider
42 shall receive a rate decrease under this subsection that is more than a ten
43 per cent decrease annually.]

44 [(d)] (c) The Commissioner of Social Services, pursuant to section 17b-
45 10, may implement policies and procedures to administer the provisions
46 of this section while in the process of adopting such policies and

47 procedures in regulation form, provided the commissioner [prints]
 48 posts notice of the intent to adopt the regulations on the department's
 49 Internet web site and the eRegulations System not later than twenty
 50 days after the date of implementation. Such policies and procedures
 51 shall be valid until the time final regulations are adopted.

52 Sec. 3. (NEW) (*Effective from passage*) The Commissioner of Social
 53 Services shall adjust rates of reimbursement under the Medicaid
 54 program so that (1) a nurse-midwife licensed pursuant to chapter 377 of
 55 the general statutes receives the same rate as an obstetrician-
 56 gynecologist licensed pursuant to chapter 370 of the general statutes for
 57 performing the same medical service or procedure, and (2) a podiatrist
 58 licensed pursuant to chapter 375 of the general statutes receives the
 59 same rate as a physician licensed pursuant to chapter 370 of the general
 60 statutes for performing the same medical service or procedure. The
 61 commissioner shall seek federal approval to amend the Medicaid state
 62 plan, if necessary, to adjust rates of reimbursement in accordance with
 63 this section.

64 Sec. 4. (NEW) (*Effective July 1, 2021*) The Commissioner of Social
 65 Services shall amend the Medicaid state plan to integrate services
 66 provided by peer support specialists into care teams funded under the
 67 medical assistance program and provide Medicaid reimbursement to
 68 such specialists for such services. For purposes of this section, "peer
 69 support services" means a recovery-focused behavioral health service
 70 that allows an individual the opportunity to learn to manage his or her
 71 recovery with help from a peer support specialist who may have
 72 experience recovering from mental illness or substance use disorder.

| | | |
|---|---------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>from passage</i> | 17b-28e |
| Sec. 2 | <i>July 1, 2021</i> | 17b-280c |
| Sec. 3 | <i>from passage</i> | New section |
| Sec. 4 | <i>July 1, 2021</i> | New section |

Statement of Legislative Commissioners:

In Section 4, "into the medical assistance program and provide Medicaid reimbursement for such services" was changed to "into care teams funded under the medical assistance program and provide Medicaid reimbursement to such specialists for such services" for clarity.

HS *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

| Agency Affected | Fund-Effect | FY 22 \$ | FY 23 \$ |
|------------------------|-------------|-----------|-----------|
| Social Services, Dept. | GF - Cost | See Below | See Below |

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a cost to the Department of Social Services (DSS) of at least \$524,000 in FY 22 and \$596,000 in FY 23 associated with expanded services under Medicaid.

Section 1 results in increased state costs of \$114,000 in FY 22 and \$174,000 in FY 23 associated with making Medicaid payments for services provided by licensed chiropractors. DSS would also incur increased costs to provide Medicaid coverage for licensed acupuncturists, the extent of which will depend on the fee established and utilization of such services.

Section 2 conforms to current practice and has no fiscal impact.

Section 3 results in increased state costs of approximately \$410,000 in FY 22 and \$422,000 in FY 23. The cost to increase rates for nurse-midwives to the rates paid to obstetrician-gynecologists for the same services or procedures is approximately \$253,000 in FY 22 and \$260,000 in FY 23. The cost to increase podiatrist rates to rates paid to physicians for the same services or procedures is approximately \$157,000 in FY 22 and \$162,000 in FY 23.

Section 4 results in increased Medicaid costs by requiring coverage

for services provided by peer support specialists integrated into care teams. The cost will depend on the fee established and the utilization of peer support services.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to utilization and the Medicaid rates established for such services.

OLR Bill Analysis**sSB 764*****AN ACT CONCERNING MEDICAID PROVIDERS.*****SUMMARY**

This bill requires the Department of Social Services (DSS) to make changes under the state's Medicaid program affecting various types of providers.

It requires the DSS commissioner to amend the Medicaid state plan by October 1, 2021, to include services provided by licensed acupuncturists and licensed chiropractors as covered Medicaid services. It also requires her to adjust Medicaid reimbursement rates so that (1) licensed nurse-midwives receive the same rates as licensed obstetrician-gynecologists for performing the same services or procedures and (2) licensed podiatrists receive the same rates as licensed physicians for performing the same services or procedures. The commissioner must seek federal approval to amend the Medicaid state plan, if needed, to adjust the reimbursement rates for the nurse-midwives and podiatrists.

Under the bill, the DSS commissioner must amend the Medicaid state plan to integrate services provided by peer support specialists into care teams funded under the medical assistance program and provide Medicaid reimbursement for these services. Under the bill, peer support service is a recovery-focused behavioral health service that allows an individual the opportunity to learn to manage his or her recovery with help from a peer support specialist who may have experience recovering from mental illness or substance use disorder.

The bill eliminates a provision under current law requiring Medicaid payments for methadone maintenance to be contingent on providers meeting certain performance measures. Under current law, failure to meet department-identified standards on performance measures results

in 5% rate reductions for the second half of 2020 and 10% rate reductions beginning January 1, 2021.

EFFECTIVE DATE: Upon passage, except provisions on methadone maintenance and peer support specialists are effective July 1, 2021.

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 14 Nay 5 (03/09/2021)