

House File 446 - Introduced

HOUSE FILE 446
BY BROWN-POWERS

A BILL FOR

1 An Act relating to substance use disorder treatment and
2 behavioral health services and reimbursement, and including
3 effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

INTEGRATED PROVIDER NETWORK PROVIDERS — REIMBURSEMENT

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2 Section 1. INTEGRATED PROVIDER NETWORK PROVIDERS —
3 MEDICAID PROVIDERS — REIMBURSEMENT. The department of
4 human services shall establish an integrated provider network
5 provider as a participating provider type under the Medicaid
6 program consistent with the community mental health system
7 provider type. The department shall reimburse the integrated
8 network provider type consistent with the Medicaid community
9 mental health center enhanced fee schedule beginning January
10 1, 2022.

11
12 Sec. 2. EMERGENCY RULES. The department may adopt emergency
13 rules under section 17A.4, subsection 3, and section 17A.5,
14 subsection 2, paragraph "b", to administer the provisions of
15 this division. Any rules adopted in accordance with this
16 section shall also be published as a notice of intended action
17 as provided in section 17A.4.

18 Sec. 3. EFFECTIVE DATE. This division of this Act, being
19 deemed of immediate importance, takes effect upon enactment.

20 DIVISION II

21 SUBSTANCE USE DISORDER TREATMENT SERVICES AND BEHAVIORAL HEALTH
22 SERVICES PROVIDERS — REIMBURSEMENTS

23 Sec. 4. SUBSTANCE USE DISORDER TREATMENT SERVICES AND
24 BEHAVIORAL HEALTH SERVICES PROVIDERS — REIMBURSEMENTS.

25 1. The department of public health in collaboration
26 with the department of human services shall review and make
27 recommendations for Medicaid 1915(b)(3) waiver reimbursement
28 rates for substance use disorder intensive outpatient and
29 residential treatment services using a projected cost report
30 agreed upon by the departments and the integrated provider
31 network providers. The departments shall establish time frames
32 for release of the agreed-upon projected cost report form to
33 providers and the deadline for submission of the completed
34 projected cost reports by providers to the departments, in
35 order to allow sufficient time for review and the making of

1 recommended adjustments to the Medicaid 1915(b)(3) waiver
2 reimbursement rates for Medicaid integrated provider network
3 providers beginning July 1, 2022.

4 2. The department of public health in collaboration with
5 the department of human services and behavioral health services
6 providers shall review reimbursement rates for behavioral
7 health services and Medicaid 1915(b)(3) waiver services using
8 the projected cost report agreed upon by the departments and
9 the integrated provider network providers. The departments
10 shall establish time frames for release of the agreed-upon
11 projected cost report form to behavioral health services
12 providers and the deadline for submission of the completed
13 projected cost reports by behavioral health services providers
14 to the departments, in order to allow sufficient time for the
15 departments to review and make recommended adjustments to
16 the Medicaid 1915(b)(3) waiver reimbursement rates and the
17 behavioral health services fee schedule beginning July 1, 2022.

18 3. The department of public health, in collaboration with
19 the department of human services, shall establish an ongoing
20 plan for regular review of reimbursements for providers of
21 substance use disorder treatment services and behavioral health
22 services and provide information to the governor and the
23 general assembly in a timely manner to allow for the provision
24 of appropriate funding for any change in reimbursements.

25 Sec. 5. EMERGENCY RULES. The department may adopt emergency
26 rules under section 17A.4, subsection 3, and section 17A.5,
27 subsection 2, paragraph "b", to administer the provisions of
28 this division. Any rules adopted in accordance with this
29 section shall also be published as a notice of intended action
30 as provided in section 17A.4.

31 Sec. 6. EFFECTIVE DATE. This division of this Act, being
32 deemed of immediate importance, takes effect upon enactment.

33 DIVISION III

34 MEDICATION-ASSISTED TREATMENT

35 Sec. 7. MEDICATION-ASSISTED TREATMENT — PRIOR

1 AUTHORIZATION PROHIBITED. The department of human services
2 shall adopt rules pursuant to chapter 17A that prohibit prior
3 authorization for medication-assisted treatment under both
4 Medicaid fee-for-service or managed care administration.
5 The department of human services shall also include this
6 prohibition in any contract entered into with a Medicaid
7 managed care organization. For the purposes of this
8 section, "medication-assisted treatment" means the medically
9 monitored use of certain substance use disorder medications in
10 combination with other treatment services.

11 Sec. 8. EMERGENCY RULES. The department may adopt emergency
12 rules under section 17A.4, subsection 3, and section 17A.5,
13 subsection 2, paragraph "b", to administer the provisions of
14 this division. Any rules adopted in accordance with this
15 section shall also be published as a notice of intended action
16 as provided in section 17A.4.

17 Sec. 9. EFFECTIVE DATE. This division of this Act, being
18 deemed of immediate importance, takes effect upon enactment.

19 DIVISION IV

20 SUBSTANCE USE DISORDER ADVISORY PANEL

21 Sec. 10. SUBSTANCE USE DISORDER ADVISORY PANEL. The
22 department of public health in collaboration with the
23 department of human services shall establish a substance use
24 disorder advisory panel to review access to substance use
25 disorder services and to resolve barriers to access. The
26 members of the advisory panel shall include but are not
27 limited to representatives of hospital-affiliated substance use
28 disorder treatment programs, the integrated provider network,
29 and others with interest or expertise in substance use disorder
30 treatment services and reimbursement.

31 DIVISION V

32 MEDICAID WAIVER OPPORTUNITIES

33 Sec. 11. MEDICAID WAIVER OPPORTUNITIES. The department of
34 human services in collaboration with the department of public
35 health shall review opportunities including application for

1 the federal Medicaid 1115 demonstration waiver or amendments
2 to the existing federal Medicaid 1915(b) waiver to enhance
3 access to and reimbursement for substance use disorder
4 treatment services. The departments shall report findings and
5 recommendations to the governor and the general assembly by
6 October 1, 2021.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill relates to reimbursement rates for providers of
11 substance use disorder treatment services and behavioral health
12 services.

13 Division I of the bill requires the department of human
14 services (DHS) to establish an integrated provider network
15 provider as a participating provider type under the Medicaid
16 program consistent with the community mental health system
17 provider type. The division requires DHS to reimburse
18 the integrated network provider type consistent with the
19 Medicaid community mental health center enhanced fee schedule
20 beginning January 1, 2022. The division provides for emergency
21 rulemaking and takes effect upon enactment.

22 Division II of the bill relates to reimbursement rates
23 for providers of substance use disorder treatment services
24 and behavioral health services. The division requires the
25 department of public health (DPH), in collaboration with DHS,
26 to review and make recommendations for Medicaid 1915(b)(3)
27 waiver reimbursement rates for substance use disorder intensive
28 outpatient and residential treatment services using a projected
29 cost report agreed upon by the departments and the integrated
30 provider network providers. The departments are required
31 to establish time frames for release of the agreed-upon
32 projected cost report form to providers and the deadline for
33 submission of the completed projected cost reports by providers
34 to the departments, to allow sufficient time for review and
35 adjustments to reimbursement rates for Medicaid integrated

1 provider network service providers beginning July 1, 2022.
2 The division also requires DPH, in collaboration with DHS and
3 behavioral health services providers, to review reimbursement
4 rates for behavioral health services and Medicaid 1915(b)(3)
5 waiver services using the projected cost report agreed
6 upon. Again, the departments shall establish time frames and
7 deadlines for the cost reports to allow sufficient time for
8 the departments to review and make recommended adjustments to
9 the reimbursement rates and the behavioral health services fee
10 schedule beginning July 1, 2022. The division directs DPH
11 in collaboration with DHS to establish an ongoing plan for
12 regular review of reimbursements for providers of substance
13 use disorder treatment services and behavioral health services
14 and to provide information to the governor and the general
15 assembly in a timely manner to allow for the provision of
16 appropriate funding for any change in reimbursements. The
17 division provides for emergency rulemaking and takes effect
18 upon enactment.

19 Division III of the bill requires DHS to adopt
20 administrative rules to prohibit prior authorization for
21 the provision of medication-assisted treatment under either
22 Medicaid fee-for-service or managed care administration.
23 The division also requires DHS to include this prohibition
24 in any contract entered into with a Medicaid managed care
25 organization. Under the division, "medication-assisted
26 treatment" means the medically monitored use of certain
27 substance use disorder medications in combination with other
28 treatment services. The division provides for emergency
29 rulemaking and takes effect upon enactment.

30 Division IV of the bill requires DPH in collaboration
31 with DHS to establish an advisory panel to review access to
32 substance use disorder services and to resolve barriers to
33 access. The members of the advisory panel include but are not
34 limited to representatives of hospital-affiliated substance use
35 disorder treatment programs, the integrated provider network,

1 and others with interest or expertise in substance use disorder
2 treatment services and reimbursement.

3 Division V of the bill directs DHS in collaboration with
4 DPH to review opportunities including application for a
5 federal Medicaid 1115 demonstration waiver or amendments
6 to the existing federal Medicaid 1915(b) waiver to enhance
7 access to and reimbursement for substance use disorder
8 treatment services. The departments shall report findings and
9 recommendations to the governor and the general assembly by
10 October 1, 2021.