



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Margaret M. O'Neill Bldg., Suite 1, Room 311
410 Federal Street
Dover, Delaware 19901
302-739-3621

The Honorable John Carney
Governor

John McNeal
SCPD Director

MEMORANDUM

DATE: April 5, 2021

TO: Ms. Nicole Cunningham, DMMA
Planning & Policy Development Unit

FROM: Terri Hancharick – Chairperson TH
State Council for Persons with Disabilities

RE: 24 DE Reg. 851 [DMMA Proposed Regulation on Medication-
Assisted Treatment (March 1, 2021)]

The State Council for Persons with Disabilities (SCPD) has reviewed the Division of Medicaid and Medical Assistance's (DMMA) proposed regulation to amend Title XIX Medicaid State Plan regarding Medication-Assisted Treatment (MAT). The changes would make coverage of the MAT benefit mandatory where previously it was covered under the optional services sections of the Medicaid State Plan. The changes would apply to services provided on or after October 1, 2020. The proposed regulation was published as 24 DE Reg. 851 in the March 1, 2021 issue of the Register of Regulations. SCPD has the following observations.

This regulation was promulgated in response to the Substance Use Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and

Communities (SUPPORT) Act, signed into law by President Trump on October 24, 2018. The SUPPORT Act was a comprehensive and bipartisan effort to address the opioid epidemic. The SUPPORT Act amends § 1902(a)(10)(A) of the Social Security Act. The Act requires Medicaid plans to include coverage of MAT for participants in the state plan or waiver of the state plan. The SUPPORT Act requires State Medicaid plans to cover all FDA approved drugs, counseling services, and behavioral therapy from October 1, 2020, through September 30, 2025.

In accordance with federal mandates, this regulation moves coverage of the MAT benefit to the mandatory services section of the Medicaid State Plan. MAT is covered for Medicaid beneficiaries who meet the criteria for receiving services from October 1, 2020 through September 30, 2025.

The coverage under MAT specifically includes Naltrexone, 1 Buprenorphine, Methadone, 2 and all forms of the drugs approved by under § 505 of the Federal Food, Drug, and Cosmetic Act and all biological products licensed under § 351 of the Public Health Service Act. It also requires coverage for counseling services and behavioral therapies related to the required drug and biological coverage.

Under the regulation, coverage under MAT can occur on both an outpatient basis and in-patient residential basis for medically necessary care.

SCPD endorses the proposed regulation. This regulation implements the requirements of the SUPPORT Act. Both the act and regulation are laudable efforts to address the opioid crisis.

Thank you for your consideration and please contact SCPD if you have any questions regarding our observations or position on the proposed regulation.

cc: Mr. Stephen Groff, DMMA
Ms. Lisa Zimmerman, DMMA
Ms. Laura Waterland, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council