



BAART
PROGRAMS

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BAART Bi-Valley Medical Clinic, Inc.
310 Harris Ave.
Sacramento, CA 95838
916-649-6793

January 23, 2015

Angela Garner
Deputy Director
Division of State Demonstrations and Waivers
Center for Medicaid and CHIP Services, CMS
7500 Security Boulevard, Mail Stop S2-01-16
Baltimore, MD 21244-1850

**Re: Proposed California Amendment to Bridge to Health Reform
Demonstration (No. 11-W-00193/9), Drug Medi-Cal Organized
Delivery system Waive**

Dear Ms. Garner:

I write on behalf of the 792 patients who receive substance use disorder treatment services at our opiate treatment program, located at 310 Harris Ave, Sacramento, Ca. We are strongly opposed to sections of the California Bridge to Reform Demonstration (No. 11-W-00193/9) Amendment for Drug Medi-Cal Organized Delivery System Waiver, submitted by the California Department of Health Care Services. Our concern, based on approximately 20 years operation, is that waiving federal access protections and granting Sacramento County authority to establish reimbursement rates will result in decreased access to critical, life-saving treatment services.

Specifically, the current proposal will waive beneficiary freedom of choice, equality in amount, duration and scope, state wideness and reasonable promptness, some of which form the basis of a lawsuit 20 years ago called Sobky Vs. Smoley. Before that lawsuit, Sacramento County limited access to our services by limiting DMC slots and limiting funding, after the lawsuit, the county of Sacramento complied with the permanent injunction of the state entered into direct contracts with providers. As a result, significantly more people have entered treatment and beneficiaries can access medically-necessary treatment on demand, without the waiting lists that were standard practice before the lawsuit. This waiver is likely to overturn that lawsuit and cause the

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California and Sacramento County to regress back more than 20 years. We ask that CMS **NOT** do anything that may undermine the permanent injunction that was based on overwhelming evidence of county efforts to limit access. Instead, we suggest CMS require California to carve-out opiate treatment providers from this waiver. Such carve-out will not preclude Sacramento County from contracting with our program and offering OTP services to residents of Sacramento County.

Financing of the Special terms and Conditions says counties will propose county-specific rates and the State will approve the rates. This will affect access and result in denial, delay, and limitation of services when rates are insufficient to attract sufficient providers to meet beneficiary needs and demands. This provision will also result in unequal treatment of beneficiaries based on the rates paid in different counties. Furthermore, the counties have proposed reverting from the current fee-for-service system to an antiquated cost-reimbursement system. The current system provides incentives for efficiency and aligns payment for services with evidence-based services, ensuring the best possible patient outcomes. Cost reimbursement, on the other hand, rewards inefficiency and greater costs with no connection to outcomes. That is why Congress and most every other payor has moved away from cost reimbursement systems.

Here at BAART Bi-Valley Medical Clinic, we currently serve 792 patients from the Sacramento area. Due to the health care reform, patients now have significantly increased access to OTP services. We are now able to provide treatment services to those individuals who desperately need them. This waiver will undermine the intent of the ACA.

In summary, BAART Programs request that narcotic treatment programs be exempted from the Organized Delivery System waiver for the above stated reasons. If you would like more information, please do not hesitate to contact me. Thank you for your consideration.

Sincerely

Melissa Develey
Clinic Director

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