



NARCOTIC ADDICTION TREATMENT AGENCY

January 21, 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 Waiver

Dear Ms. Garner:

I am writing this letter on behalf of our patients to express strong opposition 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.

Narcotic Addiction Treatment Agency, Inc. provides outpatient methadone treatment services for opioid addiction to 150 patients at 8741 Laurel Canyon Blvd., Sun Valley, CA 91352. We are located in the northeast San Fernando Valley within Los Angeles City limits.

As a clinic owner and patient advocate with 40+ years' experience in treating opioid addiction in Los Angeles County, I pioneered the first methadone program in the County of Los Angeles and worked closely with the state and local governments in developing the first protocol for the delivery of methadone treatment services in the treatment of this disease. The single biggest challenge over these decades has been patient access to treatment, educating local and state politicians, law enforcement and health care professionals, mainstreaming methadone treatment and the science of addiction, and actively working with state legislators in the passage of several pieces of legislation designed to protect the patient and their families as well as public health and safety.

We are deeply concerned that by waiving federal access protections and granting Los Angeles County authority to establish reimbursement rates will result in decreased access to critical, life-saving treatment services that have been protected for the past 20 years by the Sobky Vs. Smoley lawsuit. This lawsuit was the direct result of counties limiting access to treatment by controlling and often time restricting the number of patient treatment "slots" and funding for treatment services which in turn limited patient access to treatment and resulted in patient waiting lists. The critical nature of addiction is to admit the individual seeking treatment immediately. Addiction does not wait for a "slot" to



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become available. Individuals suffering addiction continue to present both health and legal risks to themselves and our communities as they “wait” for treatment.

Under the protections of *Sobky Vs. Smoley*, if the County did not comply with the permanent injunction, providers could contract directly with the State to provide immediate treatment services. As a result of these protections, 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. These protections also have served to significantly reduce neighborhood crime and health risks associated with IV drug use (Hepatitis C, HIV, severe and chronic infection, and frequent hospitalizations).

This waiver is likely to overturn that lawsuit and cause California and Los Angeles 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 a carve-out will not preclude Los Angeles County from contracting with our program and offering OTP services to residents of Los Angeles County.

While there has been considerable progress in the treatment of opioid addiction we cannot lose the history of the battles fought for this population. Laws and regulations that serve to protect, should never be treated as “disposable” simply because they become inconvenient. These protections have taken decades to achieve and are the result of considerable pain and suffering of these individuals and their families and the diligence and commitment of those who have spent years advancing the science of addiction, treatment alternatives and patient access to treatment.

It would seem logical at a time when opioid addiction is on the rise that the protections under *Sobky Vs. Smoley* would be seen as more valuable to ensure that patient access to treatment is protected and not diminished. Patient admissions to treatment have significantly increased since the enactment of the Affordable Health Care Act and Medi-Cal expansion. It appears that this waiver flies in the face of a nation that is taking very deliberate steps to not only recognize the rapid increase in addiction and the complex relationship of addiction and mental health but to expand our ability to treat this disease through Medi-Cal Expansion and the Affordable Health Care Act. Why would we choose now to undo patient treatment protections?

Drug addiction patients have always been vulnerable to another person’s personal bias or attitude whether a legislator, a director, a County Supervisor, a doctor or a police officer. But under *Sobky Vs. Smoley* our patients have had a modicum of protection for their treatment. But not much if it can be so readily waived.



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A small but relevant example of this is that under Prop 36 specifically established by the voters to divert first time drug offenders out of the correctional system and into treatment, a single judge made the decision for the entire San Fernando Valley (pop.1.8 million) that referrals are made only to 12 step, drug free programs. Methadone programs were specifically denied Prop 36 referrals because of one man's bias. How can this be? If this judge were to be the next Director of Los Angeles County Substance Abuse and Control, who do you think he would contract with to provide treatment for the thousands of patients currently receiving methadone therapy and for those who would benefit from methadone treatment? These are some of the questions that keep me awake at night. One person, one bias, and history repeats itself.

In closing, I would like to ask that any protection for the rights of the underserved be protected by the people who serve the public, have authority and control over those individuals, and that the history of why those protections were enacted is seriously considered. They are there for a reason. Sobky Vs. Smoley was battle fought and won by narcotic treatment providers. We are simply asking that narcotic treatment programs be excluded from this waiver and our patients maintain these critical protections.

Regards,

William C. Wilson, CEO

Narcotic Addiction Treatment Agency, Inc.