



January 28, 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 a former patient and present Board Chairman of the Patient Advisory and Advocacy Group (PAAG). I write on behalf of the 6,600 patients who receive substance use disorder treatment services at Aegis Treatment Centers, LLC opiate treatment programs located throughout California. 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 more than 16 years of program operation, is that waiving federal access protections and granting California counties 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, counties limited access to our services by limiting DMC slots, limiting funding, and/or discouraging referrals to our treatment modality. After the lawsuit, the county complied with the permanent injunction or 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 State of California and counties to regress back more than 20 years.



I 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 counties from contracting with our program and offering OTP services to residents of California.

In summary, the patients being treated at Aegis Treatment Centers 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,

Steve Day,

PAAG Board Chairman