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H.395

Introduced by Representatives Vyhovsky of Essex, Bluemle of Burlington,
Christie of Hartford, Cina of Burlington, Colburn of Burlington,
Cordes of Lincoln, Hooper of Randolph, Kornheiser of
Brattleboro, Nicoll of Ludlow, Notte of Rutland City,
Rachelson of Burlington, Small of Winooski, Toleno of
Brattleboro, Troiano of Stannard, and Whitman of Bennington

Referred to Committee on

Date:

Subject: Human services; substance use disorder; treatment barriers

Statement of purpose of bill as introduced: This bill proposes to: (1) eliminate
prior authorization for medication-assisted treatment covered by Medicaid;
(2) eliminate prior authorization and length of stay limitations on residential
treatment at a participating substance use disorder treatment program covered
by private insurers and Medicaid; and (3) make eligibility of any State funding,
including Medicaid reimbursements, to approved substance use disorder
treatment programs providing residential treatment contingent on a program
allowing patient screening, intake, and admission through the Department of
Health's Helplink Program.

An act relating to addressing barriers to substance use disorder treatment

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 18 V.S.A. § 4750 is amended to read:

3 § 4750. DEFINITIONS

4 As used in this chapter:

5 (1) “Health insurance plan” ~~has the same meaning as in 8 V.S.A.~~
6 ~~§ 4089b~~ means any health insurance policy or health benefit plan offered by a
7 health insurer, as defined in section 9402 of this title, as well as Medicaid and
8 any other public health care assistance program offered or administered by the
9 State or by any subdivision or instrumentality of the State. The term does not
10 include policies or plans providing coverage for a specified disease or other
11 limited benefit coverage.

12 * * *

13 Sec. 2. 18 V.S.A. chapter 94 is amended to read:

14 CHAPTER 94. SUBSTANCE USE DISORDERS

15 * * *

16 § 4802. DEFINITIONS

17 As used in this chapter:

18 * * *

19 (3) “Approved substance ~~abuse~~ use disorder treatment program” means
20 a treatment program ~~which~~ that is approved by the Secretary as qualified to
21 provide treatment for a substance abuse use disorder.

1 * * *

2 § 4812. LIMITATON ON PRIOR AUTHORIZATION AND LENGTH OF
3 STAY REQUIREMENTS FOR RESIDENTIAL TREATMENT

4 (a) A health insurance plan shall not require prior authorization, nor impose
5 limitations on the length of stay, for a patient who is receiving residential
6 treatment at a participating substance use disorder treatment program if the
7 treatment and length of stay are deemed necessary by the patient and the
8 patient’s treatment team.

9 (b) As used in this section, “health insurance plan” means any health
10 insurance policy or health benefit plan offered by a health insurer, as defined in
11 section 9402 of this title, as well as Medicaid and any other public health care
12 assistance program offered or administered by the State or by any subdivision
13 or instrumentality of the State. The term does not include policies or plans
14 providing coverage for a specified disease or other limited benefit coverage.

15 Sec. 3. 18 V.S.A. § 4813 is added to read:

16 § 4813. RESTRICTIONS ON STATE FUNDING FOR RESIDENTIAL
17 PROGRAMS

18 An approved substance use disorder treatment program that provides
19 residential treatment shall allow patient screening, intake, and admission
20 through the Department of Health’s Helplink Program in order to be eligible
21 for grants from the State of Vermont or reimbursements for the treatment of

1 patients receiving Medicaid and any other public health care assistance
2 program offered or administered by the State or by any subdivision or
3 instrumentality of the State.

4 Sec. 4. CONFORMING REVISIONS

5 When preparing the Vermont Statutes Annotated for publication in 2021,
6 the Office of Legislative Counsel shall replace the phrase “approved substance
7 abuse treatment program” with the phrase “approved substance use disorder
8 treatment program” throughout Title 18.

9 Sec. 5. EFFECTIVE DATE

10 This act shall take effect on July 1, 2021.