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State/Territory Name: **New Jersey**

State Plan Amendment (SPA) #: **21-0003**

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary Form (with 179-like data)
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

September 27, 2021

Jennifer Langer Jacobs
Assistant Commissioner
NJ Department of Human Services
Division of Medical Assistance and Health Services
PO Box 712
Trenton, NJ 08625-0712

Re: New Jersey State Plan Amendment (SPA) #21-0003

Dear Ms. Jacobs:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) #21-0003. This amendment proposes to add medication-assisted treatment (MAT) as a mandatory benefit in the Medicaid state plan. This letter is to inform you that New Jersey's Medicaid SPA Transmittal Number #21-0003 was approved on September 23, 2021 with an effective date of October 1, 2020, until September 30, 2025, pursuant to 1905(a)(29) of the Social Security Act and Section 1006(b) of the SUPPORT Act.

Section 1006(b) of the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act ("SUPPORT Act"), signed into law on October 24, 2018, amended section 1902(a)(10)(A) of the Social Security Act (the Act) to require state Medicaid plans to include coverage of MAT for all individuals eligible to enroll in the state plan or waiver of the state plan. Section 1006(b) also added a new paragraph 1905(a)(29) to the Act to include the new required benefit in the definition of "medical assistance" and to specify that the new required benefit will be in effect for the period beginning October 1, 2020, and ending September 30, 2025.

Section 1006(b) of the SUPPORT Act also added section 1905(ee)(1) to the Act to define MAT, for purposes of the new required coverage, as:

... all drugs approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), including methadone, and all biological products licensed under section 351 of the Public Health Service Act (42 U.S.C. 262) to treat opioid use disorders; and[,] . . . with respect to the provision of such drugs and biological products, counseling services and behavioral therapy.

Pursuant to section 1135(b)(5) and/or 1135(b)(1)(C) of the Act, due to the COVID-19 public health emergency (PHE), CMS issued an approval letter on March 12, 2021 allowing New Jersey to

modify the SPA submission requirements at 42 C.F.R. § 430.20, to allow the state to submit a SPA implementing section 1905(a)(29) of the Act by March 31, 2021 that would take effect on October 1, 2020.

Also, pursuant to section 1135(b)(5) and/or 1135(b)(1)(C) of the Act, due to the COVID-19 PHE, CMS issued an approval letter on March 12, 2021 allowing New Jersey to modify the public notice time frames set forth at 42 C.F.R. § 447.205, in order to obtain an effective date of October 1, 2020 for its SPA implementing statewide methods and standards for setting payment rates for the benefit described at section 1905(a)(29) of the Act. The state issued public notice on February 19, 2021.

CMS conducted our review of your submittal according to statutory requirements in Title XIX of the Act and implementing regulations.

If you have any questions, please contact Terri Fraser at (410) 786-5573 or via email at Terri.Fraser@cms.hhs.gov.

Sincerely,

A solid black rectangular box redacting the signature of James G. Scott.

James G. Scott, Director
Division of Program Operations

cc: Nicole McKnight
Terri Fraser
Deborah Steinbach
Deborah Benson
Justin Aplin

TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES	1. TRANSMITTAL NUMBER: 21-0003 MA	2. STATE New Jersey
	3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE & MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES	4. PROPOSED EFFECTIVE DATE October 1, 2020	

5. TYPE OF PLAN MATERIAL (*Check One*):

NEW STATE PLAN
 AMENDMENT TO BE CONSIDERED AS NEW PLAN
 AMENDMENT

COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (*Separate Transmittal for each amendment*)

6. FEDERAL STATUTE/REGULATION CITATION: Social Security Act Section 1905(a)(29); 42 USC 1396d(a)(29)	7. FEDERAL BUDGET IMPACT: a. FFY 2021 \$ 0 b. FFY 2022 \$ 0
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8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Supplement 5 to Attachment 3.1-A Pages 1-69 Supplement 1 to Attachment 3.1-B Pages 1-69 Supplement 1 to Attachment 4.19-B Page 6.1 (P&I change at State's request)	9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (<i>If Applicable</i>): New New New (P&I change at State's request)
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10. SUBJECT OF AMENDMENT:

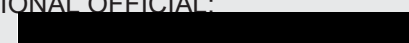
Mandatory medication-assisted treatment (MAT) for opioid use disorder (OUD) pursuant to the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (SUPPORT Act).

11. GOVERNOR'S REVIEW (*Check One*):

GOVERNOR'S OFFICE REPORTED NO COMMENT
 OTHER, AS SPECIFIED:
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 Not required, pursuant to 7.4 of the Plan
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

12. SIGNATURE OF STATE AGENCY OFFICIAL: 	16. RETURN TO: Jennifer Langer Jacobs, Assistant Commissioner Division of Medical Assistance and Health Services P.O. Box 712, Mail Code #26 Trenton, NJ 08625-0712
13. TYPED NAME: Sarah Adelman	
14. TITLE: Acting Commissioner, Department of Human Services	
15. DATE SUBMITTED: March 10, 2021	

FOR REGIONAL OFFICE USE ONLY	
17. DATE RECEIVED: 03/10/2021	18. DATE APPROVED: 09/23/2021

PLAN APPROVED – ONE COPY ATTACHED	
19. EFFECTIVE DATE OF APPROVED MATERIAL: 10/01/2020	20. SIGNATURE OF REGIONAL OFFICIAL: 
21. TYPED NAME: James G. Scott	22. TITLE: Director, Division of Program Operations

23. REMARKS:

Enclosure ____

Supplement 5 to Attachment 3.1-A

Page 1

State of New Jersey

1905(a)(29) Medication-Assisted Treatment (MAT)

Citation: 3.1(a)(1) Amount, Duration, and Scope of Services: Categorically Needy
(Continued)

1905(a)(29) x MAT as described and limited in Supplement 5 to Attachment 3.1-A.

ATTACHMENT 3.1-A identifies the medical and remedial services provided to the categorically needy.

TN: 21-0003

Approved: **09/23/2021**

Supersedes: New

Effective Date: **10/01/2020**

State of New Jersey

1905(a)(29) Medication-Assisted Treatment (MAT)

Amount, Duration, and Scope of Medical and Remedial Care Services Provided to the Categorically Needy (continued)

i. General Assurance

MAT is covered under the Medicaid state plan for all Medicaid beneficiaries who meet the medical necessity criteria for receipt of the service for the period beginning October 1, 2020, and ending September 30, 2025.

ii. Assurances

- a. The state assures coverage of Naltrexone, Buprenorphine, and Methadone and all of the forms of these drugs for MAT that are approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and all biological products licensed under section 351 of the Public Health Service Act (42 U.S.C. 262).
- b. The state assures that Methadone for MAT is provided by Opioid Treatment Programs that meet the requirements in 42 C.F.R. Part 8.
- c. The state assures coverage for all formulations of MAT drugs and biologicals for OUD that are approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and all biological products licensed under section 351 of the Public Health Service Act (42 U.S.C. 262).

iii. Service Package

The state covers the following counseling services and behavioral health therapies as part of MAT.

a) Please set forth each service and components of each service (if applicable), along with a description of each service and component service.

From October 1, 2020, through September 30, 2025, the state assures that MAT to treat OUD as defined at section 1905(ee)(1) of the Social Security Act (the Act) is covered exclusively under section 1905(a)(29) of the Act.

State of New Jersey

1905(a)(29) Medication-Assisted Treatment (MAT)

Amount, Duration, and Scope of Medical and Remedial Care Services Provided to the Categorically Needy (continued)

Individual counseling- the utilization of special skills and evidence based practices to assist individuals to identify and change patterns of behavior relating to substance use disorders which are maladaptive, destructive and/or injurious to health through the provision of counseling by licensed or credentialed professionals or approved counselors in training.

Group counseling- the utilization of special skills and evidence based practices to assist individuals to identify and change patterns of behavior relating to substance use disorders which are maladaptive, destructive and/or injurious to health through the provision of group sessions by licensed or credentialed professionals or approved counselors in training.

Family counseling- the utilization of special skills and evidence based practices to assist families to identify and change patterns of behavior relating to substance use disorders which are maladaptive, destructive and/or injurious to health through sessions involving family members. Family counseling that involves the participation of a non-Medicaid eligible is for the direct benefit of the beneficiary. The service must actively involve the beneficiary in the sense of being tailored to the beneficiary's individual needs. There may be times when, based on clinical judgment, the beneficiary is not present during the delivery of the service, but remains the focus of the service.

b) Please include each practitioner and provider entity that furnishes each service and component service.

Individual Counseling- providers include Physicians, Physician Assistants (PAs), Advance Practice Nurses (APNs), Licensed Substance Use Disorder (SUD) treatment facilities, Licensed Professional Counselors (LPCs), Licensed Associate Counselors (LACs) under the direct supervision of an LPC, Licensed Clinical Social Worker (LCSWs), Licensed Social Workers (LSWs) under the supervision of an LCSW, Licensed Clinical Alcohol and Drug Counselors (LCADCs), Certified Alcohol and Drug Counselors (CADCs), Psychologists, and counselor-interns.

State of New Jersey

1905(a)(29) Medication-Assisted Treatment (MAT)

Amount, Duration, and Scope of Medical and Remedial Care Services Provided to the Categorically Needy (continued)

Group Counseling- providers include Physicians, PAs, APNs, Licensed Substance Use Disorder (SUD) treatment facilities, LPCs, LACs under the direct supervision of an LPC, LCSWs, LSWs under the supervision of an LCSW, LCADCs, CADCs, Psychologists, and counselor-interns.

Family Counseling- providers include Physicians, PAs, APNs, Licensed Substance Use Disorder (SUD) treatment facilities, LPCs, LACs under the direct supervision of an LPC, LCSWs, LSWs under the supervision of an LCSW, LCADCs, CADCs, Psychologists, and counselor-interns.

- c) Please include a brief summary of the qualifications for each practitioner or provider entity that the state requires. Include any licensure, certification, registration, education, experience, training and supervisory arrangements that the state requires.**

The following licensed practitioners of the healing arts may provide counseling (or, where specified, supervision of counseling services) when practicing within their scope of practice under state law and within the regulations established by their licensing boards: Physicians, PAs, APNs, LPCs, LACs under the direct supervision of an LPC, LCSWs, LSWs under the direct supervision of an LCSW, LCADCs, CADCs and Psychologists. Counseling services may also be provided by counselor-interns who are actively working toward LCADC or CADC status, or toward another health professional license that includes work of an opioid drug counseling nature within its scope of practice. Counselor-interns must work under the supervision of an LCADC or another New Jersey licensed clinical professional designated as a qualified clinical supervisor by the New Jersey Board of Marriage and Family Therapy Examiners.

State of New Jersey

1905(a)(29) Medication-Assisted Treatment (MAT) Amount, Duration, and Scope of Medical and Remedial Care Services Provided to the Categorically Needy (continued)

SUD treatment facilities must be licensed by the state's Department of Health (DOH) as an independent clinic- drug and alcohol.

iv. Utilization Controls

The state has drug utilization controls in place. (Check each of the following that apply)

Generic first policy

Preferred drug lists

Clinical criteria

Quantity limits

The state does not have drug utilization controls in place.

v. Limitations

Describe the state's limitations on amount, duration, and scope of MAT drugs, biologicals, and counseling and behavioral therapies related to MAT.

NJ Medicaid has removed all prior authorization requirements for MAT medication including name brand medications. The state has an open formulary. The state continues to have safety edits such as ingredient duplication, drug to drug interaction or exceeding a recommended maximum dose limit. Prescribers have the ability to override most safety edits by acknowledging the potential risk and providing a clinical rationale for requesting an override.

State of New Jersey

1905(a)(29) Medication-Assisted Treatment (MAT)

Amount, Duration, and Scope of Medical and Remedial Care Services Provided to the Categorically Needy (continued)

PRA Disclosure Statement - This information is being collected to assist the Centers for Medicare & Medicaid Services in implementing section 1006(b) of the SUPPORT for Patients and Communities Act (P.L. 115-271) enacted on October 24, 2018. Section 1006(b) requires state Medicaid plans to provide coverage of Medication-Assisted Treatment (MAT) for all Medicaid enrollees as a mandatory Medicaid state plan benefit for the period beginning October 1, 2020, and ending September 30, 2025. Under the Privacy Act of 1974 any personally identifying information obtained will be kept private to the extent of the law. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number for this project is 0938-1148 (CMS-10398 # 60). Public burden for all of the collection of information requirements under this control number is estimated to take about 80 hours per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to CMS, 7500 Security Boulevard, Attn: Paperwork Reduction Act Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

TN: 21-0003

Approved: **09/23/2021**

Supersedes: New

Effective Date: **10/01/2020**

Enclosure ____

Supplement 1 to Attachment 3.1-B

Page 1

State of New Jersey

1905(a)(29) Medication-Assisted Treatment (MAT)

Citation: 3.1(b)(1) Amount, Duration, and Scope of Services: Medically Needy
(Continued)

1915(a)(29) MAT as described and limited in Supplement 1 to Attachment 3.1-B.

ATTACHMENT 3.1-B identifies the medical and remedial services provided to the medically needy.

TN: 21-0003

Approved: **09/23/2021**

SUPERSEDES: New

Effective: **10/01/2020**

State of New Jersey

1905(a)(29) Medication-Assisted Treatment (MAT)

Amount, Duration, and Scope of Medical and Remedial Care Services Provided to the Medically Needy (continued)

i. General Assurance

MAT is covered under the Medicaid state plan for all Medicaid beneficiaries who meet the medical necessity criteria for receipt of the service for the period beginning October 1, 2020, and ending September 30, 2025.

ii. Assurances

- a. The state assures coverage of Naltrexone, Buprenorphine, and Methadone and all of the forms of these drugs for MAT that are approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and all biological products licensed under section 351 of the Public Health Service Act (42 U.S.C. 262).
- b. The state assures that Methadone for MAT is provided by Opioid Treatment Programs that meet the requirements in 42 C.F.R. Part 8.
- c. The state assures coverage for all formulations of MAT drugs and biologicals for OUD that are approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and all biological products licensed under section 351 of the Public Health Service Act (42 U.S.C. 262).

iii. Service Package

The state covers the following counseling services and behavioral health therapies as part of MAT.

a) Please set forth each service and components of each service (if applicable), along with a description of each service and component service.

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State of New Jersey

1905(a)(29) Medication-Assisted Treatment (MAT)

Amount, Duration, and Scope of Medical and Remedial Care Services Provided to the Medically Needy (continued)

Individual counseling- the utilization of special skills and evidence based practices to assist individuals to identify and change patterns of behavior relating to substance use disorders which are maladaptive, destructive and/or injurious to health through the provision of counseling by licensed or credentialed professionals or approved counselors in training.

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State of New Jersey

1905(a)(29) Medication-Assisted Treatment (MAT)

Amount, Duration, and Scope of Medical and Remedial Care Services Provided to the Medically Needy (continued)

Group Counseling- providers include Physicians, PAs, APNs, Licensed Substance Use Disorder (SUD) treatment facilities, LPCs, LACs under the direct supervision of an LPC, LCSWs, LSWs under the supervision of an LCSW, LCADCs, CADCs, Psychologists, and counselor-interns.

Family Counseling- providers include Physicians, PAs, APNs, Licensed Substance Use Disorder (SUD) treatment facilities, LPCs, LACs under the direct supervision of an LPC, LCSWs, LSWs under the supervision of an LCSW, LCADCs, CADCs, Psychologists, and counselor-interns.

- c) Please include a brief summary of the qualifications for each practitioner or provider entity that the state requires. Include any licensure, certification, registration, education, experience, training and supervisory arrangements that the state requires.**

The following licensed practitioners of the healing arts may provide counseling (or, where specified, supervision of counseling services) when practicing within their scope of practice under state law and within the regulations established by their licensing boards: Physicians, PAs, APNs, LPCs, LACs under the direct supervision of an LPC, LCSWs, LSWs under the direct supervision of an LCSW, LCADCs, CADCs and Psychologists. Counseling services may also be provided by counselor-interns who are actively working toward LCADC or CADC status, or toward another health professional license that includes work of an opioid drug counseling nature within its scope of practice. Counselor-interns must work under the supervision of an LCADC or another New Jersey licensed clinical professional designated as a qualified clinical supervisor by the New Jersey Board of Marriage and Family Therapy Examiners.

Enclosure ____

Supplement 1 to Attachment 3.1-B

Page 5

State of New Jersey

1905(a)(29) Medication-Assisted Treatment (MAT)

Amount, Duration, and Scope of Medical and Remedial Care Services Provided to the Medically Needy (continued)

SUD treatment facilities must be licensed by the state's Department of Health (DOH) as an independent clinic- drug and alcohol.

iv. Utilization Controls

 x The state has drug utilization controls in place. (Check each of the following that apply)

 Generic first policy

 Preferred drug lists

 x Clinical criteria

 x Quantity limits

 The state does not have drug utilization controls in place.

v. Limitations

Describe the state's limitations on amount, duration, and scope of MAT drugs, biologicals, and counseling and behavioral therapies related to MAT.

NJ Medicaid has removed all prior authorization requirements for MAT medication including name brand medications. The state has an open formulary. The state continues to have safety edits such as ingredient duplication, drug to drug interaction or exceeding a recommended maximum dose limit. Prescribers have the ability to override most safety edits by acknowledging the potential risk and providing a clinical rationale for requesting an override.

TN: 21-0003

Approved: **09/23/2021**

SUPERSEDES: New

Effective: **10/01/2020**

Enclosure ____

Supplement 1 to Attachment 3.1-B

Page 6

State of New Jersey

1905(a)(29) Medication-Assisted Treatment (MAT)

Amount, Duration, and Scope of Medical and Remedial Care Services Provided to the Medically Needy (continued)

PRA Disclosure Statement - This information is being collected to assist the Centers for Medicare & Medicaid Services in implementing section 1006(b) of the SUPPORT for Patients and Communities Act (P.L. 115-271) enacted on October 24, 2018. Section 1006(b) requires state Medicaid plans to provide coverage of Medication-Assisted Treatment (MAT) for all Medicaid enrollees as a mandatory Medicaid state plan benefit for the period beginning October 1, 2020, and ending September 30, 2025. Under the Privacy Act of 1974 any personally identifying information obtained will be kept private to the extent of the law. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number for this project is 0938-1148 (CMS-10398 # 60). Public burden for all of the collection of information requirements under this control number is estimated to take about 80 hours per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to CMS, 7500 Security Boulevard, Attn: Paperwork Reduction Act Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

TN: 21-0003

Approved: **09/23/2021**

SUPERSEDES: New

Effective: **10/01/2020**

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
STATE OF NEW JERSEY

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES-OTHER
TYPES OF CARE

Reimbursement for Rehabilitation Services – Mental Health Community Services

1905(a)(29) Medication Assisted Treatment (MAT)

Unbundled prescribed drugs dispensed or administered for MAT shall be reimbursed using the same methodology as described in Attachment 4.19-B, pages 10-10(I), sections 1.16-1.28, for pharmaceutical services.

The effective date, the applicable fee schedules, and link to their electronic publication, can be found on page 36 of Attachment 4.19-B of the State Plan.

For MAT providers, the applicable fee schedules, and link to their electronic publication, can be found on page 36a of Attachment 4.19-B of the State Plan.

Except as otherwise noted in the plan, state-developed fee schedule rates are the same for both governmental and private providers of Medicaid services listed above. Services for both ABP and non-ABP beneficiaries utilize the same rates unless otherwise noted in the plan. All applicable procedure code listings and/or rates are published on the State's website at www.njmmis.com under the link for "Rates and Code Information" and Medicaid fee for services sections.

TN: 21-0003

Approval Date: 09/23/2021

SUPERCEDES: NEW

Effective Date: 10/01/2020