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July 6, 2020

The Honorable Alex M. Azar II  
Secretary of Health and Human Services (HHS)  
200 Independence Avenue S.W.  
Washington, D.C. 20201

#### **RE: Considerations Surrounding Implementation of Motivational Incentives (Contingency Management) in Treatment of Addiction**

Dear Mr. Azar:

I am writing on behalf of the American Society of Addiction Medicine (ASAM), a national medical specialty society representing more than 6,200 physicians and associated health professionals who specialize in the prevention and treatment of addiction, to support the request for a waiver of at least two years of the HHS Office of the Inspector General (OIG) interpretation of the Anti-Kickback Statute and Civil Monetary Penalties as they are applied to the implementation of contingency management for the treatment of addiction. As we shared in our [comment letter](#) regarding the proposed rule issued in October 2019, extensive research shows contingency management to be an effective psychosocial treatment for substance use disorders. Growing adoption by multiple state and national commercial insurers, as well as State Medicaid agencies and Single State Agencies (SSA) for Substance Abuse, attests to the effectiveness and cost savings of this intervention. ASAM's response to the October 2019 proposed rule calls for a permanent safe harbor for this evidence-based treatment, but in the absence of a final rule, ASAM supports a waiver of OIG's current interpretation for at least two years.

Contingency management has been studied and shown to be effective in the treatment of many substance use disorders, including opioid used disorder, cannabis use disorder and stimulant use disorders.<sup>i</sup> Importantly, it is the only evidence-based treatment for stimulant use disorders, for which there is no approved medication. Stimulant use is on the rise in the United States, with overdose deaths involving psychostimulants (mainly methamphetamine) and cocaine rising significantly between 2015 and 2018.<sup>ii</sup> The recently released Substance Abuse and Mental Health Services Administration (SAMHSA) Evidence-Based Resource Guide on Treatment of Stimulant



Use Disorders includes contingency management as a treatment practice with strong evidence for effectiveness.<sup>iii</sup> The National Institute on Drug Abuse (NIDA) also promotes contingency management as a highly effective approach to increase treatment retention and promote abstinence from drugs.<sup>iv</sup>

ASAM appreciates OIG's appropriate concern for fraud, waste and abuse in the healthcare system, and the safeguards needed to prevent inducements. However, given the evidence for its effectiveness in treating substance use disorders, contingency management should be a legal and widely available treatment option. Protections can be put in place to prevent fraud, waste and abuse, while enabling treatment providers to implement evidence-based contingency management protocols with incentives sufficient to support recovery.<sup>v</sup>

In the midst of this crisis of rising overdose deaths from stimulants, implementing effective, cost-effective treatment such as motivational incentives (contingency management) in treatment programs is critical. We appreciate your attention to this important matter and would welcome the opportunity to discuss it further. Please contact Susan Awad, Senior Advisor, Public Policy and Regulatory Affairs at [sawad@asam.org](mailto:sawad@asam.org) or 301-547-4106 with any questions.

Sincerely,

William F. Haning III, MD, DFAPA, DFASAM  
President-Elect, American Society of Addiction Medicine

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<sup>i</sup> Prendergast M, Podus D, Finney J, Greenwell L, Roll J. Contingency management for treatment of substance use disorders: a meta-analysis. *Addiction*. 2006;101(11):1546-1560. doi:10.1111/j.1360-0443.2006.01581.x

<sup>ii</sup> National Institute on Drug Abuse. (2019). Overdose death rates. Retrieved from <https://www.drugabuse.gov/related-topics/trends-statistics/overdose-death-rates>

<sup>iii</sup> Substance Abuse and Mental Health Services Administration (SAMHSA): Treatment of Stimulant Use Disorders. SAMHSA Publication No. PEP20-06-01-001 Rockville, MD: National Mental Health and Substance Use Policy Laboratory. Substance Abuse and Mental Health Services Administration, 2020

<sup>iv</sup> National Institute on Drug Abuse. Contingency Management Interventions/Motivational Incentives (Alcohol, Stimulants, Opioids, Marijuana, Nicotine). National Institute on Drug Abuse website. <https://www.drugabuse.gov/publications/principles-drug-addiction-treatment-research-based-guide-third-edition/evidence-based-approaches-to-drug-addiction-treatment/behavioral-therapies/contingency-management-interventions-motivational-incentives>. June 1, 2020 Accessed July 2, 2020.

<sup>v</sup> Glass JE, Nunes EV, and Bradley KA. "Contingency Management: A Highly Effective Treatment For Substance Use Disorders And The Legal Barriers That Stand In Its Way," Health Affairs Blog, March 11, 2020. DOI: 10.1377/hblog20200305.965186