

# NAATP NATIONAL 2021



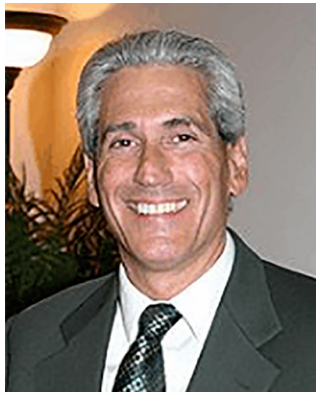
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OF  
ADDICTION TREATMENT PROVIDERS

Voice. Vision. Leadership.

# Ethics is Never Over

## Balance and Effective Local Regulation

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**Al Johnson**

Chief Assistant State Attorney  
Office of the State Attorney,  
Palm Beach County, Florida



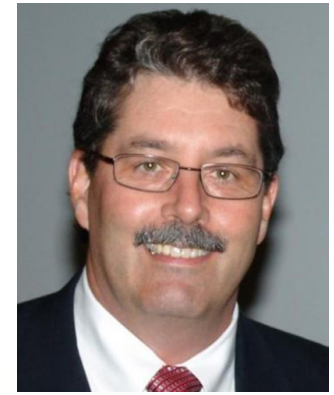
**Peter Thomas**

Director of Quality Assurance  
NAATP



**Dave Aronberg**

State Attorney  
Office of the State Attorney,  
Palm Beach County, Florida



**Scott Munson**

Executive Director  
Sundown M Ranch

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# NAATP Ethics

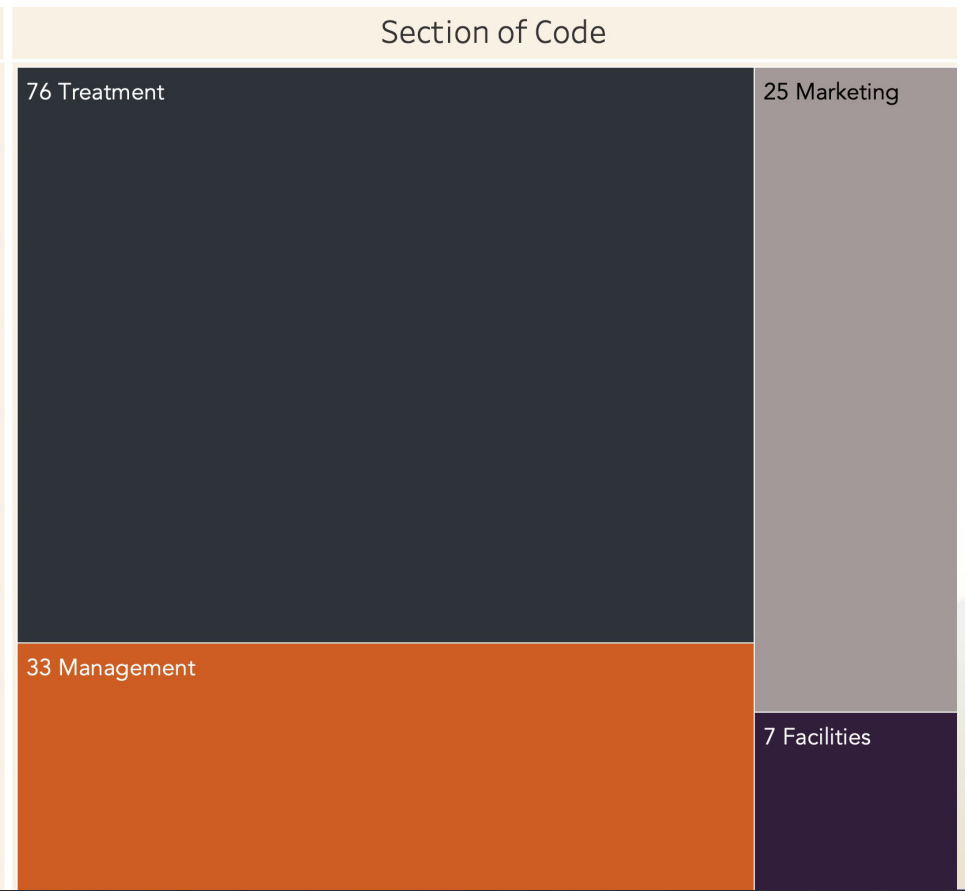
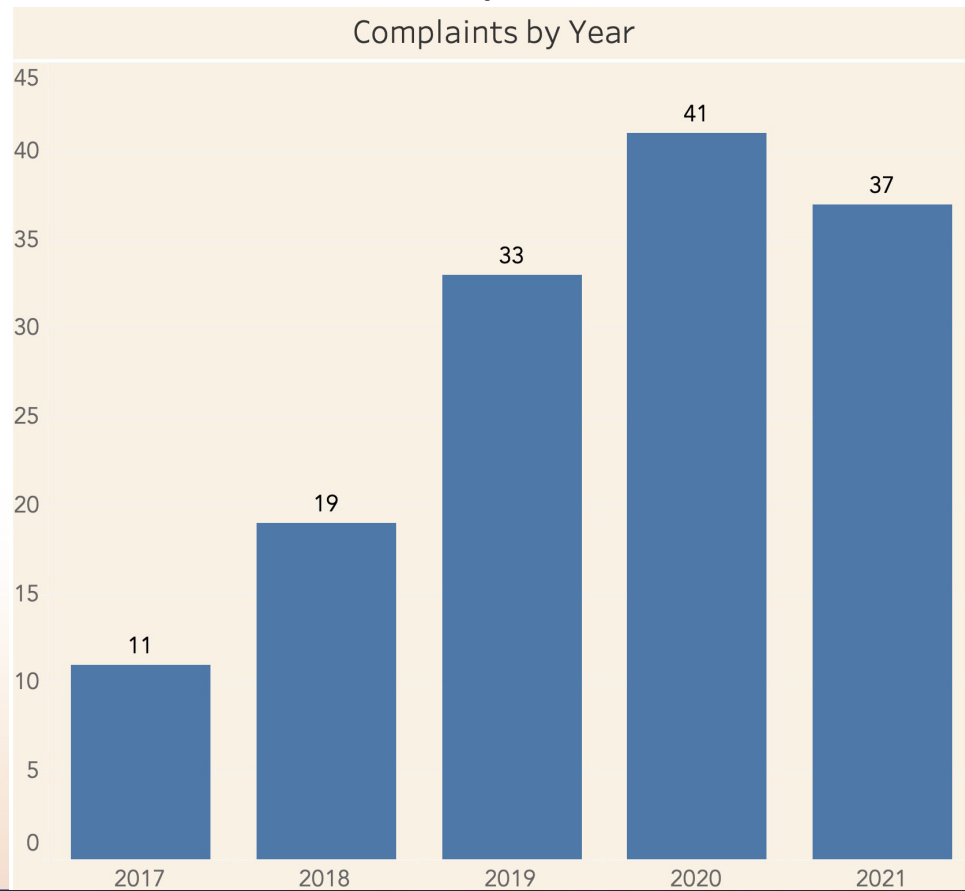
# Corrective Action

## NAATP Quality Assurance 2016-2021

- Jan-2016: Ethics Complaint Process
- Jul-2017: NAATP QA Initiative Launched
- Sep-2017: Google Restricts AdWords
- Jan-2018: NAATP Released Ethics “2.0”
  - 78 Facilities not Renewed
  - Revised Complaint Process
  - Updated Membership conditions
- Mar-2018: Treatment Discernment Guide
- Jul-2018: NAATP Congressional Testimony
- Jan-2019: Accreditation Requirement
- Mar-2019: Released Ethics “2.5”
- Mar-2019: Released of Outcomes Toolkit
- Apr-2019: Beta Release of QA Guidebook
- Mar-2021: Updated Ethics Code
  - Disallows advertising services or facilities not in use.
  - Formalized pathway for Suspension of Membership
- 2021: Launch of FoRSE

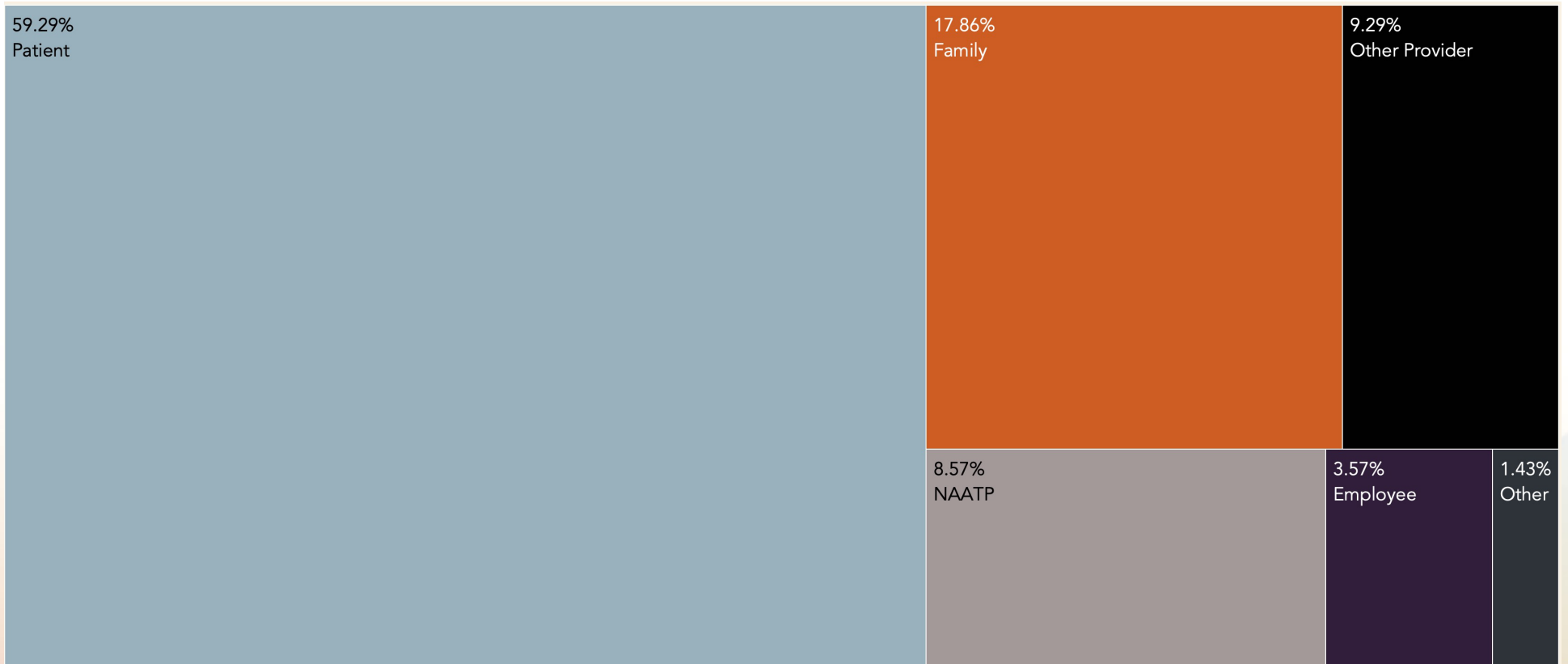


# Ethics Complaints



# Ethics Complaints

Relationship of Complainant



## Deceptive Drift

- Click to call Ads
  - On Mobile devices
  - Targeting brand names
  - Not part of Google restricted Terms
  - Not covered by LegitScript
- Same Behaviors Seen Prior Google Ads Ban
  - Report Ad to [Google](#)
  - Report to [LegitScript](#)
    - May be Certified with different landing page
  - Report to [Federal Trade Commission](#)



The screenshot shows a Google search for "cumberland heights foundation". The search bar is at the top with a magnifying glass icon and a close button. Below the search bar are tabs for "All", "Shopping", "Images", "News", "Videos", "Maps", and "B". The first search result is an advertisement for "Same Day Admisssions - Cumberland Heights Nashville TN?". The ad text says "Discover The Luxurious Rehab Living Accommodations Bayan Has To Offer Today. Call Now". Below the text are two buttons: "Drug & Alcohol Admissions" and "Inpatient Treatment". Below the buttons is a "Call (800) [redacted]" button. The second search result is an advertisement for "Drug & Alcohol Addiction Rehab - 24/7 Free Admissions Call". The ad text says "5-Star Drug & Alcohol Rehab Covered by Insurance. Detox & Inpatient Drug or Alcohol Rehab". Below the text is a "Call (475) [redacted]" button. Both ads have a URL starting with "https://help[redacted].com/admissions" and "https://rehabs.r[redacted].com/alcohol/rehab" respectively.



## Our Biggest Effort in Addiction Treatment Ethics

- Greater Focus on Quality Improvement and Outcomes
  - Quality Care is Less Lucrative
- Engagement in Outcomes is Becoming an Expectation
  - Will Influence Reimbursements and Regulations



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# Ethics is Never Over: Balanced and Effective Local Efforts to Combat Fraud and Abuse in the Drug Treatment Industry

Dave Aronberg, State Attorney

*and*

Alan Johnson, Chief Assistant State  
Attorney

# LAW & ORDER



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OCAS Pill Mill



2011/02/02 09:00:27.31

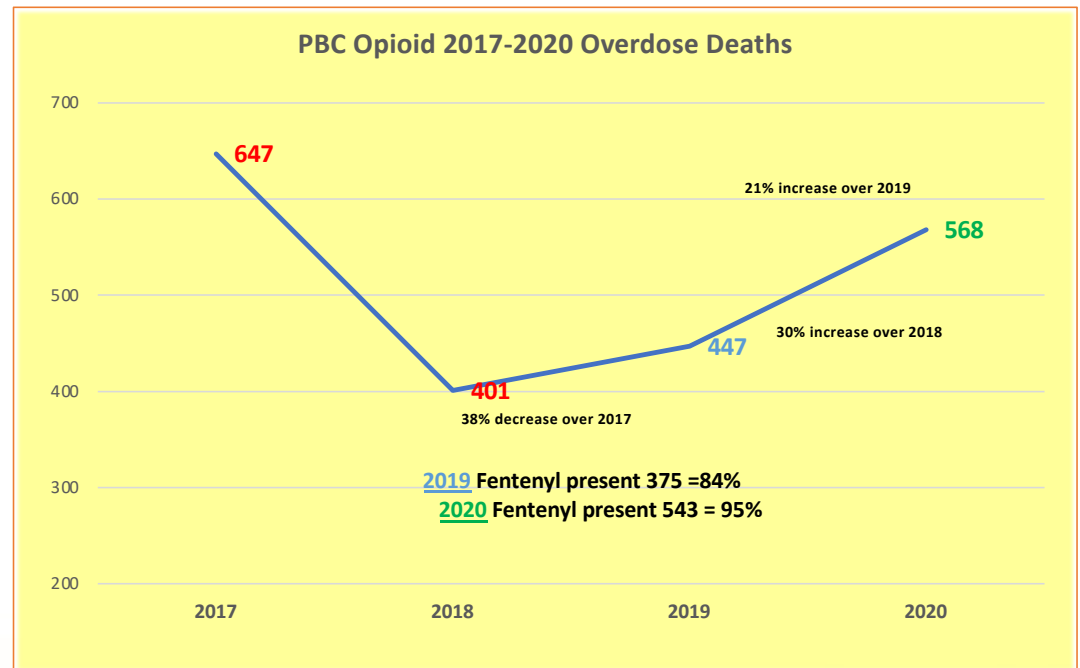
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# Epicenter: PBC Opioid Overdose Deaths 2017-2020

## PBC Medical Examiner Data:

- 2017: 647 Opioid OD Deaths
- 2018: 401 Opioid OD Deaths
  - 38% decrease over 2017
- 2019: 447 Opioid OD Deaths (*Fentanyl present 375 = 84%*)
- 2020: 568 Opioid OD Deaths (*Fentanyl present 543 = 95%*)
  - 21% increase over 2019
  - 30% increase over 2018



# Delray Beach, Florida

Delray Beach: Population 69,359

- 2015: 112 Opioid Overdoses
- 2016: 482 Opioid Overdoses
- 2017: 549 Opioid Overdoses (57 total yearly deaths)
- 2018: 194 Opioid Overdoses (30 total yearly deaths)
- 2019: 225 Opioid Overdoses (45 total yearly deaths)
- 2020: 373 Opioid Overdoses (63 total yearly deaths)



## Turning around?

First 9 months of 2021: 211 Overdoses (22 deaths)

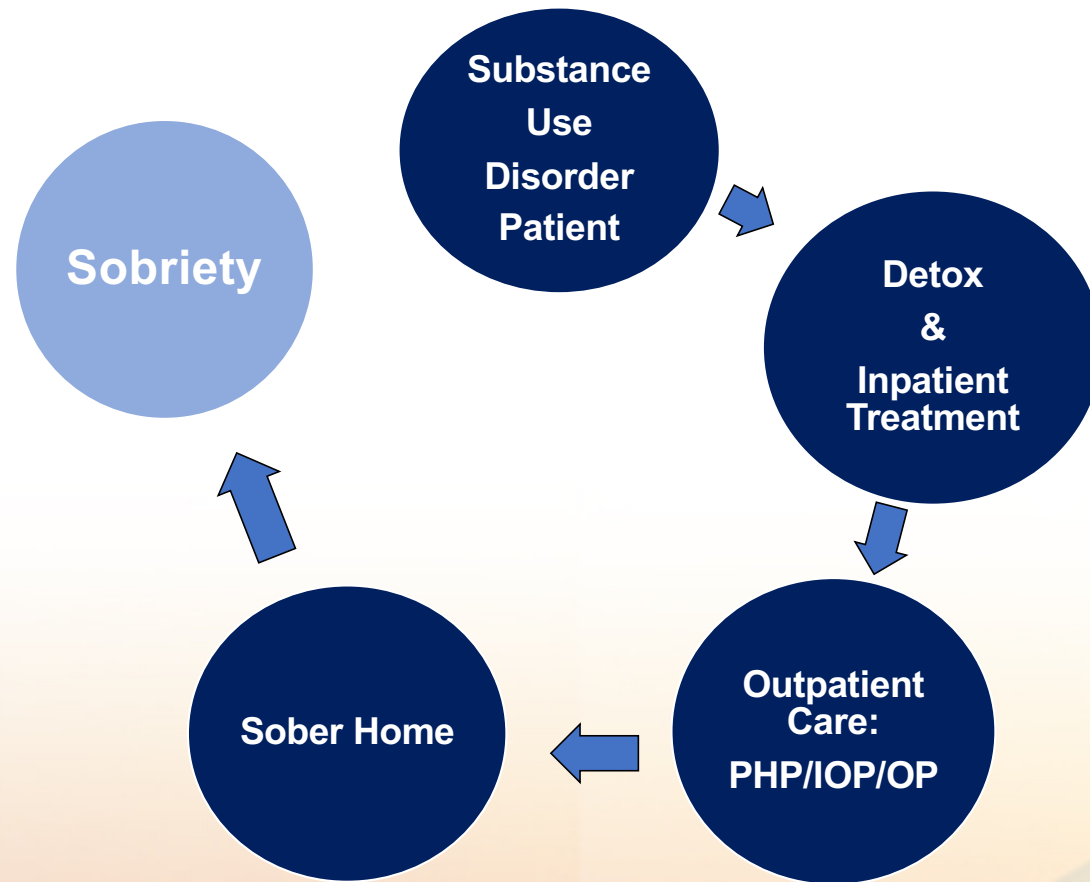
*(First 9 months of 2020: 295 Overdoses (48 deaths))*

29% decrease in overdoses/ 54% decrease in OD deaths

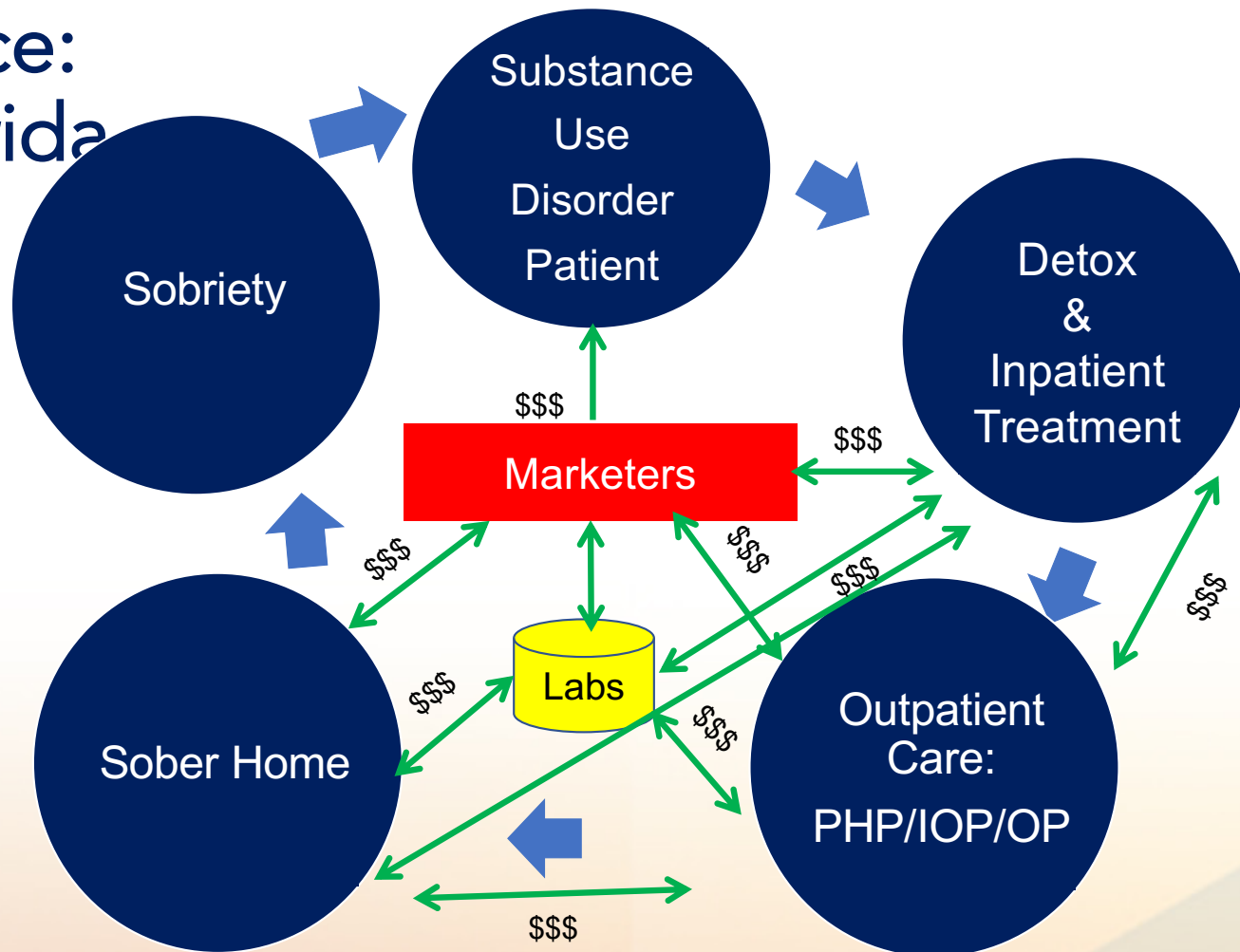


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# "The Florida Model" (In Theory)

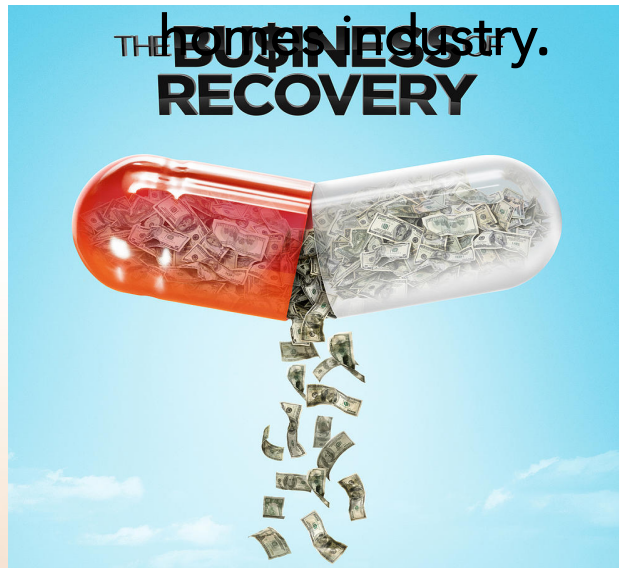


# In Practice: "The Florida Shuffle"



# How We Got Here: Access Without Oversight

Parity and ACA opened the floodgates of insurance money for addiction treatment. The FHA and ADA created an unregulated sober



Unfortunately, these laws did nothing to add any oversight or quality standards to an industry divorced from other healthcare.



# ADDITIONAL SCAMS

## SCAM

## ALERT

- Provider/Sober Home kickbacks to residents: free rent, cigarettes, gift cards, scooters, acupuncture, pedicure and manicure, chiropractor, X-Box, gym memberships, etc.
- Fraudulent lab urinalyses – e.g., apple juice, former clients, etc.
- Allergy and genetic testing, brain mapping.
- Signing a patient up for the ACA insurance exchange and paying the first few premiums.

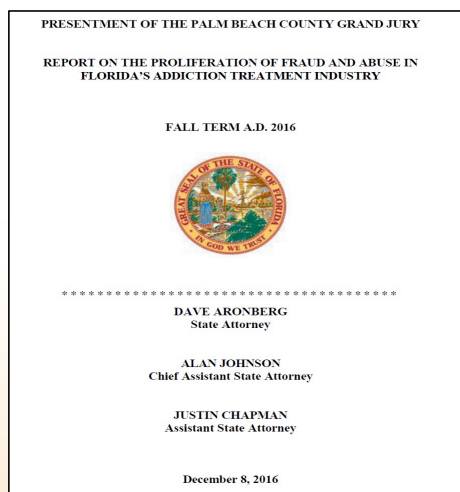
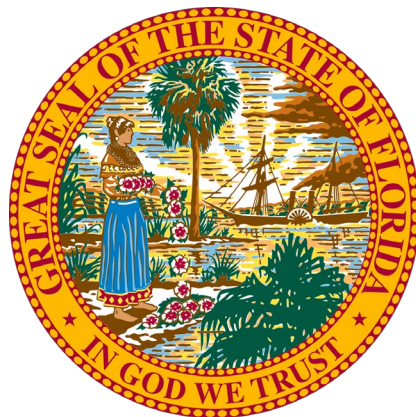


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## CIVILIAN WORKGROUP

State Attorney Addiction  
Recovery Task Force  
Doctors Clinicians  
Patient Advocates  
Industry Lawyers  
DCF, FBHA, FARR, FCB



Grand Jury Presentment & Report to  
Legislature

## LAW ENFORCEMENT

Sober Homes  
Task Force  
2 Full-time Prosecutors  
Multi-Agency  
Investigative Team:  
FDLE  
PBSO  
SAO  
Boca Raton PD  
Boynton Beach PD  
Delray Beach PD  
and  
West Palm Beach PD

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# Sober Home Task Force, Since November 2016:

120 Arrests

91 Convictions

\$1,774,000 Fines

\$1,555,000



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# TOOLBOX



## Patient Brokering Statute

- No person may offer, pay, solicit or receive a kickback, bribe, commission or split fee in exchange for inducing a referral or rewarding a referral of a patient to a treatment facility.
- Certain exceptions apply (Federal Anti-Kickback safe harbors)

## Deceptive Marketing Practices

- Marketers cannot misrepresent products, goods, services, or geographic location – including media and on-line.

## Voluntary Certification Statute

- Referrals to and from sober homes and treatment facilities require standards for the protection of the residents.

## Local Zoning/Reasonable Accommodation

- Require Sober Homes to be certified or otherwise have national standards when requesting reasonable accommodation to house unrelated adults in excess of the number allowed in residential areas.



# Fixing The System

## Providers and Insurance Companies

### Reform the Fee for service model

- Current system encourages overutilization of services
- Encourages fraud
- Encourages relapse (economic model)
- However, in-network bundled services must be adequate.

### Best practice: Long term continuum of care

- Reward/encourage positive outcomes
- ACA Medicare model: Stop rewarding failure

### Best practice: Combine primary care with communicable disease and behavioral health care (Triple Aim)

### Best practice: Safe and sober housing is key

- All recovery housing be required to adopt best practices/standards – Oxford House, NARR

### Cost benefit – relapse vs. recovery

### SAMHSA/ASAM: Evidence Based Best Practices



# Certification of Sober Homes 101: Florida Model

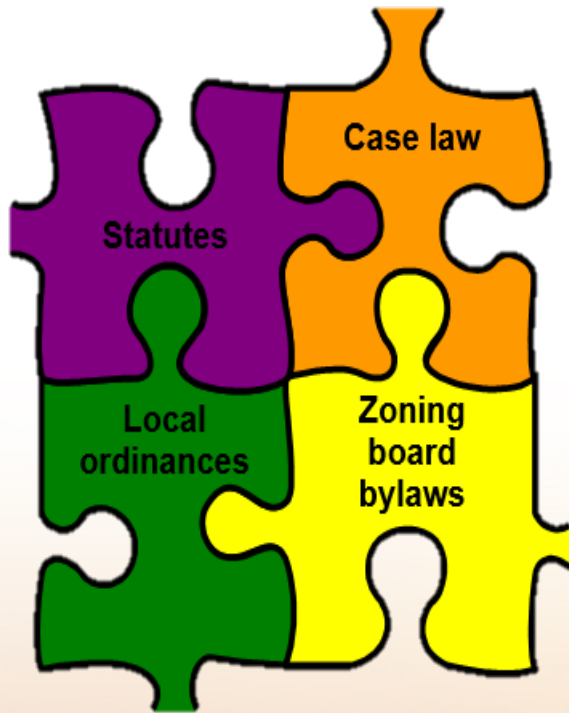


**CERTIFIED**

- Legislature tasks state agency to designate a certifying entity, setting forth general standards. (e.g., *NARR affiliate*)
- Referrals to and from treatment providers are illegal unless the sober home holds a valid certification.
- Sober Homes that do not refer or accept referrals are not required to be certified.
- Certain exemptions are recognized (e.g., *Oxford House, Recovery Residences run by public treatment providers*)

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# Local Zoning -Reasonable Accommodation



ADA/FHA protections

Cannot ban a Sober Home that is the functional equivalent to a family dwelling

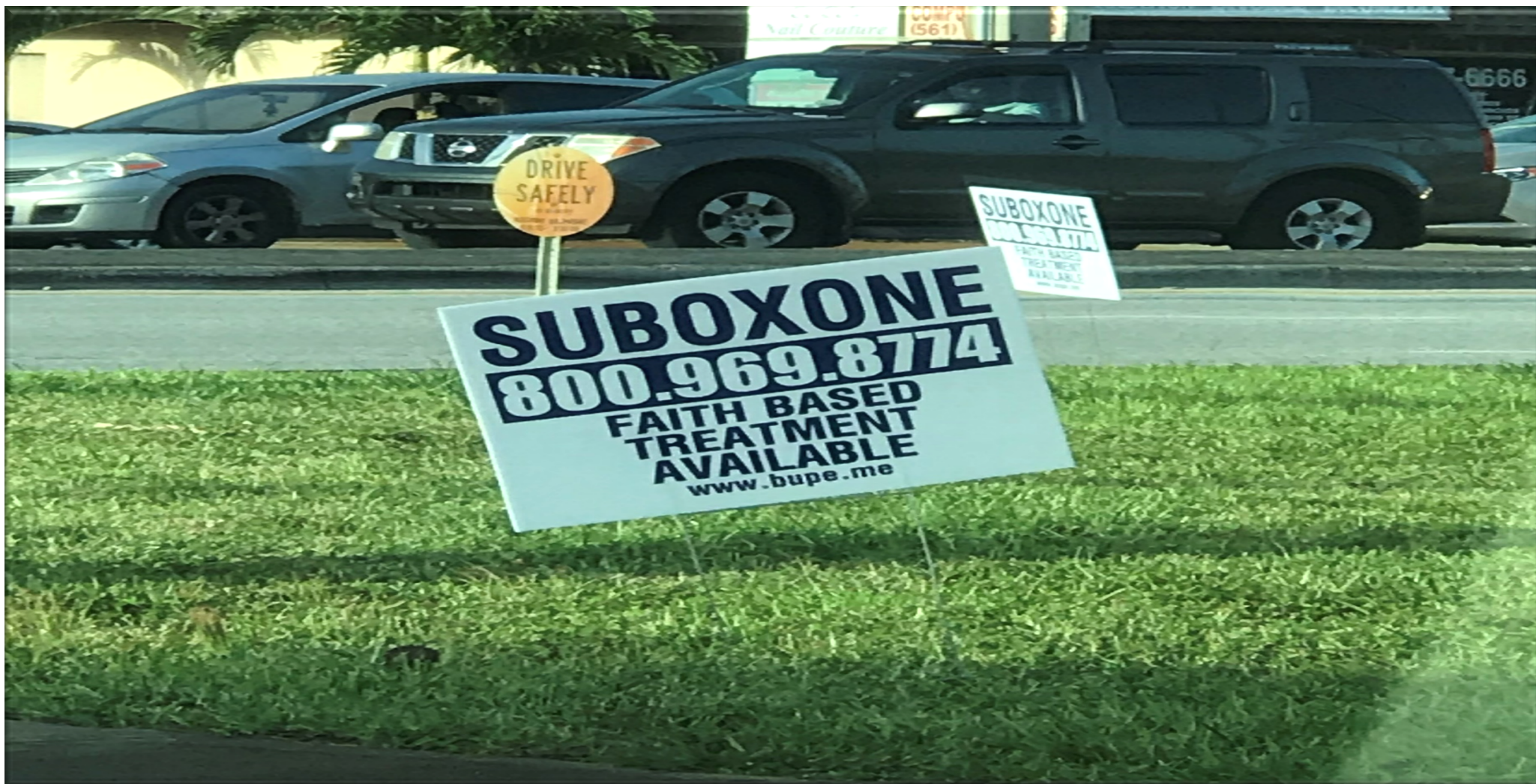
Cannot deny a reasonable accommodation: *Number of unrelated adults allowed in residential neighborhoods.*

Protection of vulnerable residents in homes

Rights are not unlimited

- Clustering
- FARR certification/National standards
- Delray Beach Study/Ordinance: Reasonable accommodation requiring certification or Oxford Charter
- Oversight that is *rationally based* and *narrowly tailored*





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## OFFICE OF THE STATE ATTORNEY -FIFTEENTH JUDICIAL CIRCUIT



Dave Aronberg  
Alan Johnson

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Sober Homes Task Force  
Hotline: 844-324-5463

*Pill Mill in Broward County (2011)*

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