**Research Protocol for Other Policies and State Actions related to Unethical SUD Treatment**

Melissa Garrido

Boston University School of Public Health

For questions, please contact [garrido@bu.edu](mailto:garrido@bu.edu)

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**Objective**:

Characterize the context in which state laws regarding patient brokering and deceptive marking of substance use disorder (SUD) treatment were passed or operated. We considered data on state SUD task forces, recovery housing licensure laws, general anti-kickback laws, and prosecutions.

State SUD task forces

We conducted a web search to locate information on state SUD task forces. We included task forces that focused on opioid use or SUD in general, or SUD treatment. Task forces that focus on law enforcement regarding illicit drugs or prescribing practices were not included. The search turned up mentions of advisory councils and other non-task force advisory bodies — those data are available upon request from the project team. This data source focuses on entities specifically labeled as task forces. This dataset includes the name of the task force, the year it began, the last year for which there is a record of task force activity (or the year in which the task force expired), the method of establishment (e.g., assembly bill or executive order), data on whether it had an opioid or general SUD focus, data on whether SUD was grouped with behavioral illness, and data on whether the task force focused on a specific subpopulation (e.g., juveniles). We also searched task force websites for mentions of patient brokering and deceptive marketing for SUD treatment services. The degree to which information is available varies greatly by state. Thus, these records reflect information located by the study team – a “no” response indicates that we did not find evidence of the activity, but we cannot definitively determine whether the activity did not occur. Within websites, we focused on searching final reports, action plans, or strategy documents. If those were not available, we searched meeting notes. If meeting notes were not available, we searched pages on the task force website. To search for patient brokering, we searched for mentions of “broker”, “kickback”, or “refer”. To search for deceptive marking, we searched for mentions of “deceptive”, “marketing”, “advert\*”, and fraud.

This dataset includes at least one line per state. For states with multiple task forces, there is a row for each state-task force record. Data collected Jan – June 2022.

Anti-kickback laws

This dataset is based on a report compiled by the Lowenstein institute (<https://www.lowenstein.com/media/7554/state-healthcare-anti-kickback-analogues-chart-002.pdf>, <https://www.lowenstein.com/news-insights/publications/articles/updated-a-survey-of-health-care-anti-kickback-law-at-the-state-level-mcbride-moseson-schindler-terry> ); last updated December 13, 2021.

From this report, we captured the title and citation of the regulation, statute, administrative code, or other policy; whether violations are a felony or misdemeanor, and the type of punishment associated with a violation (suspension, revocation, or probation of license [or other professional discipline]; civil penalties, damages, or forfeiture; imprisonment; restitution or repayment of funds received; other).

Recorded characteristics reflect those present as of 2021 (amendments are not captured).

Older laws are counted as effective if included in the statute for that year (e.g., if a law was included in 2010 statutes, we considered the law effective in 2010 or before).

To the information contained in the Lowenstein Institute report, we added the month and year the policy became effective, based on text of state laws or legislation accessed through law.justia.com or state-specific websites.

This dataset includes at least one line per state. For states with multiple policies, there is a row for each state-policy record.

**Recovery housing laws**

This dataset is based on a report by Martin et al. (Oregon report: Martin E, McKinney K, Razavi M, Burnham V. National Overview of Recovery Housing Accreditation Legislation and Licensing) as well as information accessed from the National Alliance of Recovery Residences (NARR) website (<https://narronline.org/?location=az>).

Oregon report information lists states that require licensure and states where third-party certification for recovery residences is available, as of January 2020. The NARR website was last accessed in November 2022; it is unclear when the website was last updated.

Two states (LA, MS) are not listed on the NARR website but are included in the Oregon report.

Reliable data on the dates that certification became available in states are not readily accessible. NARR was established in 2011.

**Prosecutions**

Unfortunately, not all states have searchable online databases of prosecutions. As a result, these are not codified in a spreadsheet.