

File No. 210059

Committee Item No. 4

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: April 22, 2021

Board of Supervisors Meeting:

Date: \_\_\_\_\_

#### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

#### OTHER

- Legislation Text - SB 110 – January 6, 2021
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: John Carroll

Date: April 16, 2021

Prepared by: John Carroll

Date: \_\_\_\_\_

Prepared by: John Carroll

Date: \_\_\_\_\_

1 [Supporting California State Senate Bill SB 110 (Wiener) - Recovery Incentives Act]

2  
3 **Resolution supporting California State Senate Bill (SB) 110, also known as the**  
4 **Recovery Incentives Act, authored by Senator Scott Wiener, and introduced on**  
5 **January 11, 2021, which would legalize the substance use disorder treatment known as**  
6 **contingency management, an incentive based program that gives financial rewards to**  
7 **those struggling with a substance use disorder if they enter substance use treatment**  
8 **programs and authorize Medi-Cal to cover it.**

9  
10 WHEREAS, The City and County of San Francisco experienced 699 fatal drug  
11 overdoses in 2020, which accounts for nearly 59 percent increase; and

12 WHEREAS, Synthetic opioids like Fentanyl were found in nearly 500 fatal overdose  
13 cases of 2020; and

14 WHEREAS, Fatal drug Overdose deaths were nearly tripled the number of COVID-19  
15 deaths in the City and County of San Francisco in 2020; and

16 WHEREAS, On December 10, 2020, Supervisor Haney held a hearing regarding  
17 Overdose Death Reporting and Update on Overdose Prevention Program at Single Room  
18 Occupancy Hotels and the Office of the Medical Examiner reported 80 percent of the  
19 Preliminary Accidental Drug Overdose Data as of September 2020 were males and that two  
20 out of five victims were Black or Latinx and nearly 50 percent of all victims identified as white;  
21 and

22 WHEREAS, SB 110 seeks to address the worsening methamphetamine (meth)  
23 addiction crisis facing California and the City; and

24 WHEREAS, There is currently no form of Medication-Assisted Treatment for meth use  
25 and the only way to treat meth addiction is by practicing abstinence and contingency

1 management has been found to be highly effective in Veteran Affairs clients and San  
2 Francisco AIDS Foundation clients; and

3 WHEREAS, SB 110 recognizes stimulant use has rapidly grown in the LGBTQ and  
4 Black communities; and

5 WHEREAS, SB 110 is currently sponsored by the San Francisco AIDS Foundation,  
6 APLA Health, Equality California, City and County of San Francisco's Mayor London Breed  
7 and California Association of Alcohol and Drug Program Executives; and

8 WHEREAS, California State Senate Bill No. 110, the Recovery Incentives Act, was  
9 introduced by Senator Scott Wiener (SD-11) on January 11, 2021, which seeks to legalize the  
10 substance use disorder treatment known as contingency management, an incentive based  
11 program that gives those struggling with substance use disorder financial rewards if they enter  
12 substance use treatment programs, and authorizes Medi-Cal to cover it is that right steps in  
13 reducing the City overdose rates; now, therefore, be it

14 RESOLVED, That the City and County of San Francisco supports Senate Bill No. 110  
15 which would legalize the substance use disorder treatment known as contingency  
16 management, an incentive based program that gives those struggling with substance use  
17 disorder financial rewards if they enter substance use treatment programs and authorizes  
18 Medi-Cal to cover; and, be it

19 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges that  
20 Senate Bill No. 110 be amended to add an equity lens to legislation that specifically address  
21 the subgroups that are disproportionately impacted by substance abuse usage; and, be it

22 FURTHER RESOLVED, That the Clerk of the Board of Supervisors of the City and  
23 County of San Francisco distribute this Resolution to San Francisco's State Legislative  
24 Delegation and to California Governor Gavin Newsom.

25

**Introduced by Senator Wiener**  
(Principal coauthor: Assembly Member Chiu)  
(Coauthor: Assembly Member Friedman)

January 6, 2021

---

---

An act to add Section 14021.38 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 110, as introduced, Wiener. Substance use disorder services: contingency management services.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income individuals receive health care services, including substance use disorder services that are delivered through the Drug Medi-Cal Treatment Program and the Drug Medi-Cal organized delivery system. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions.

To the extent funds are made available in the annual Budget Act, this bill would expand substance use disorder services to include contingency management services, as specified, subject to utilization controls. The bill would require the department to issue guidance and training to providers on their use of contingency management services for Medi-Cal beneficiaries who access substance use disorder services under any Medi-Cal delivery system, including the Drug Medi-Cal Treatment Program and the Drug Medi-Cal organized delivery system. The bill would provide that contingency management services are not a rebate, refund, commission preference, patronage dividend, discount, or any other gratuitous consideration. The bill would authorize the department to implement these provisions by various means, including provider

bulletin, without taking regulatory action, and would condition the implementation of these provisions to the extent permitted by federal law, the availability of federal financial participation, and the department securing federal approval.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14021.38 is added to the Welfare and  
2 Institutions Code, immediately following Section 14021.37, to  
3 read:

4 14021.38. (a) To the extent funds are made available in the  
5 annual Budget Act for this express purpose, substance use disorder  
6 services shall include contingency management services as a  
7 covered benefit, subject to utilization controls, as described in  
8 Section 14133. Contingency management services shall include  
9 all of the following components:

- 10 (1) Periodic urinalysis on patients.
- 11 (2) An incentive structure, which includes scaling rewards for  
12 continued evidence of specified behaviors or adherence to treatment  
13 goals, that rewards participants for specified behaviors, such as a  
14 negative urinalysis.
- 15 (3) Other supportive substance use disorder services, including  
16 counseling, therapy, or other proven medical alternatives, as  
17 necessary to meet the health needs of Medi-Cal beneficiaries.
- 18 (b) The department shall issue guidance and training to providers  
19 on their use of contingency management services for Medi-Cal  
20 beneficiaries who access substance use disorder services under  
21 any Medi-Cal delivery system, including, but not limited to, the  
22 Drug Medi-Cal Treatment Program and the Drug Medi-Cal  
23 organized delivery system.
- 24 (c) Contingency management services are not a rebate, refund,  
25 commission preference, patronage dividend, discount, or any other  
26 gratuitous consideration, as described in Section 51478 of Title  
27 22 of the California Code of Regulations.
- 28 (d) Notwithstanding Chapter 3.5 (commencing with Section  
29 11340) of Part 1 of Division 3 of Title 2 of the Government Code,  
30 the department may implement this section by means of a provider  
31 bulletin or similar instruction, without taking regulatory action.

1 (e) For purposes of implementing this section, the department  
2 shall seek any necessary federal approvals, including approvals of  
3 any state plan amendments or federal waivers, by the federal  
4 Centers for Medicare and Medicaid Services.

5 (f) (1) This section shall only be implemented to the extent  
6 permitted by federal law.

7 (2) This section shall be implemented only to the extent that  
8 federal financial participation is available and any necessary federal  
9 approvals have been obtained.

O

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only