
LEGISLATIVE TRENDS AND POLICY OPTIONS

SUBSTANCE USE DISORDER DURING PREGNANCY – MCH FELLOWS 2020

Tammy Jo Musgraves, MPP
Policy Specialist, Maternal & Child Health and Behavioral Health
Health Program
National Conference of State Legislatures



SUBSTANCE USE AMONG PREGNANT AND BREASTFEEDING MOTHERS

The use of tobacco, alcohol or illicit drugs or misuse of prescription drugs by pregnant or breastfeeding mothers



LEGISLATIVE TRENDS

- 2019 and 2020 General Sessions
 - At least 20 bills introduced, across 7 states
 - Enacted
 - Minnesota [S12a](#) (2019)
 - Virginia [HB30](#) (2020)
 - Washington [S5389](#) (2019)



IDENTIFIED STRATEGIES AND POLICY OPTIONS

- Increase primary prevention among women with substance use or opioid use disorder
- Strengthen SUD treatment for pregnant women
- Promoting cross-system collaboration
- Bundled payment models
- Changing preauthorization prescribing requirements for MAT
- Insurance coverage up to 1 year postpartum
- Plans of Safe Care - Improving treatment model for NAS



Resources: National Center on Substance Abuse and Child Welfare
Centers for Disease Control and Prevention MMWR



NATIONAL CONFERENCE OF STATE LEGISLATURES

MEDICAID

- Medicaid is a program jointly financed and administered by states and the federal government
- At a minimum, state Medicaid programs must cover pregnant women and children up to 138% of the federal poverty level (FPL). Most states choose higher income eligibility limits.
- Medicaid is the primary payer for behavioral health services in the country, coverage includes:
 - Medication assisted treatment, therapies and residential treatment
- The Early Periodic Screening Diagnosis and Treatment (EPSDT) benefit provides children with comprehensive coverage for medically necessary services, including needed behavioral health services.
- Many states use Section 1115 waivers to design programs to meet the state's unique needs.
 - Missouri enacted [HB 2280](#) authorizing an 1115 waiver proposal specifically for pregnant and postpartum women with a substance use disorder.

Resources

- NCSL Database, [Maternal and Child Health Database](#)
- NCSL Database, [Injury Prevention Database](#)
- NCSL Website, [Substance Abuse and Child Welfare Resources](#)
- Substance Abuse and Mental Health Services Administration (SAMHSA), [Clinical Guidance for Treating Pregnant and Parenting Women with Opioid Use Disorder and Their Infants](#)



Questions?

Contact

TammyJo.Musgraves@ncsl.org

Medicaid Principal,

Emily.Blanford@ncsl.org

