Studying implications of policy and law for treatment of substance use disorders

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People who suffer from substance use disorder need effective treatments, however, 90 percent of those who need treatment do not receive it. One Penn State professor and his team are looking into the

legal and financial barriers to treatment and how the law can be used to break down or build pathways through those barriers.

Matthew Lawrence, assistant professor of law at Dickinson Law, assistant professor in the Department of Surgery in Penn State's College of Medicine, and affiliate of the Consortium to Combat Substance Abuse, said that there are effective treatments for substance use disorder (SUD), but accessibility issues contribute to growing drug overdose rates.

"I am researching ways the law can make health insurance coverage more effective in promoting access to treatment for substance use disorder, as well as the pivotal role played by family members of many patients in helping them access and finance treatment and how the law can increase or mitigate the burden on such family members." Lawrence said. He recently published two papers explaining his findings.

In his commentary recently published in the Journal of Law, Medicine, and Ethics, Lawrence provided a legal analysis of regulatory pathways to promote care for those with SUD or other under-treated illnesses through "risk adjustment" programs that alter insurance reimbursement. His analysis is intended to guide scholars in considering the most promising avenues for research, SUD advocates in identifying regulatory levers to promote coverage, regulators in considering which reforms can be accomplished administratively, and lawmakers in assessing possible legislation regarding these or other risk adjustment programs.

In a law review article recently published in the Northeastern Law Review, Lawrence surveyed how the current health care regulatory patchwork often relies on family members as a regulatory tool to influence the decisions or behavior of their loved ones, usually without compensating those family members, recognizing their efforts, or mitigating the complications created by doing so. The work explores and

develops a normative framework for evaluating the social, emotional, financial and psychological consequences of these laws that "deputize family," and uses that framework to suggest changes to current policy regarding consent to authorize disclosure of private health information to loved ones.

Lawrence's research was inspired by and developed with the support of Dickinson Law's Addiction Legal Resource Team (ALRT), a faculty-student collaboration. The team was formed in the summer of 2018 with the support of Dickinson Law Dean Gary Gildin.

"The team does not provide legal advice, but they have worked in the students' home states to collect, develop and disseminate resources to inform patients and families about the legal system relating to insurance coverage for addiction treatment and where to find help," said Lawrence. "The team also helps Penn State researchers understand legal issues they encounter in their work, collaborating on the development of grant proposals and collecting or developing legal guides."

In particular, Lawrence and ALRT have explored resources related to the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA). The MHPAEA is a federal law that ensures group health plans and health insurance issuers who provide mental health or substance use disorder benefits offer coverage that is comparable to medical/surgical benefits coverage.

"Many individuals affected by substance use disorder are unfamiliar with the law and the challenging appeals process when receiving an insurance coverage denial," Lawrence explained. "Additionally, the law does not protect families involved with loved one's substance abuse treatment and recovery and does not take into account families and what they do."

This summer, Lawrence is continuing his research into how the law can facilitate treatment and recovery for those affected by substance abuse disorder and said he is excited to continue to collaborate with the students on the ALRT.

"The collaboration has played a key role in defining the direction of my work and motivating my work. Law students are now, in many cases, authoring their own work, and I look forward to co-authoring with students as well. They have led me to places I did not expect my research to go, but I'm so happy that it did. These issues could not be more important and it is a great privilege to work with, teach and learn from students who realize that but are also realistic about the dedication, patience and focus it takes to develop real knowledge and effect real change," he said.

More information: Matthew J. B. Lawrence. Regulatory Pathways to Promote Treatment for Substance Use Disorder or Other Under-Treated Conditions Using Risk Adjustment, *SSRN Electronic Journal* (2018). DOI: 10.2139/ssrn.3252036

Matthew J.B. Lawrence, Deputizing Family: Loved Ones as a Regulatory Tool in the "Drug War" and Beyond, 11 Ne. *U. L. Rev.* 195 (2019). ideas.dickinsonlaw.psu.edu/fac-works/12/

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